

1                   Against the peace and dignity of the  
2 State of Texas.

3                   Signed by the foreman of the Grand Jury  
4 in the 339th.

5                   THE COURT: To which the Defendant  
6 pleads.

7                   MR. MONCRIFFE: Not guilty.

8                   THE COURT: Please be seated.

9                   Call your first please.

10                  MS. FULLER: State calls officer Ruiz.

11                  THE COURT: Ladies and Gentlemen this  
12 witness was previously sworn.

13                  Proceed.

14                                 **JACOB RUIZ,**

15 After having been duly sworn was called to the stand  
16 and testified as follows:

17                                 DIRECT EXAMINATION.

18 BY MS. FULLER:

19                 Q.    Would you please state your name for the  
20 record?

21                 A.    My name is Jacob Ruiz.

22                 Q.    And can you tell us who you are employed  
23 with?

24                 A.    I'm employed with the City of Houston. The  
25 Houston Police Department.

1           Q.    How long have you been with the Houston  
2 Police Department?

3           A.    Almost ten years.

4           Q.    And are you a certified peace officer?

5           A.    Yes, ma'am.

6           Q.    Can you tell us a little bit about your  
7 career progression within HPD?

8           A.    Well, been an officer for about eight years  
9 and 2 years ago or about a year ago I promoted to  
10 sergeant.

11          Q.    Okay. So you said -- let's start from the  
12 beginning.

13          Did you go through the academy?

14          A.    Yes, ma'am.

15          Q.    How long was the academy?

16          A.    Six months.

17          Q.    And then after getting out of the academy  
18 what did you do?

19          A.    Went to the streets and trained for another  
20 six months to complete a full year of training.

21          Q.    Okay. What happened after your year of  
22 training was done?

23          A.    After a year of training you get to pick your  
24 station and I chose the northeast station.

25          Q.    Can you tell us a little bit about the area

1 that the northeast station services?

2 A. The most notable neighborhood in the  
3 northeast area is Fifth Ward and Denver Harbor area,  
4 all the way to I-10 and Federal, Uvalde area up to  
5 north at Humble area like little bit south of Humble  
6 and maybe all the way to I-10 and 59.

7 Q. Okay. Is there a reason why you chose that  
8 area?

9 A. I grew up in the northeast area so I wanted  
10 to patrol my area where I grew up at.

11 Q. Okay. So how long did you patrol that area?

12 A. I was out there for about eight years.

13 Q. Okay. And then after you patrolled for eight  
14 years what did you do next?

15 A. Well, that's when I promoted to sergeant and  
16 I was sent to train again as a sergeant on the streets  
17 and then I was sent to the juvenile division.

18 Q. All right. So in order to become a sergeant  
19 what do you have to do?

20 A. Have to take a test, several, two tests. One  
21 written and one oral test.

22 Q. All right. And after you become a sergeant  
23 then they send you to some other places?

24 A. Yes. After you promote then you go to the  
25 streets and train as a sergeant, as a patrol sergeant

1 and then they can send you basically anywhere they  
2 want, if they have a opening as far as like the  
3 juvenile division or the jail, city jail or something  
4 like that.

5 Q. All right. And you said that currently  
6 you're in the juvenile division?

7 A. Yes, ma'am.

8 Q. Okay. I want to turn your attention back to  
9 June 17th of 2011. Were you working that day?

10 A. Yes, ma'am.

11 Q. And were you working -- were you patrolling  
12 by yourself or did you have a partner?

13 A. I had a partner. Officer Waggoner.

14 Q. Okay. What were your duty hours back on  
15 June 17, 2011?

16 A. On the evening shift so probably from  
17 2:00 o'clock in the afternoon to 10:00 o'clock at  
18 night.

19 Q. And were you and officer Waggoner riding  
20 together?

21 A. That's correct.

22 Q. Okay. So same car.

23 And you would make calls together?

24 A. That's correct. We were on the hot spot unit  
25 at that time.

1 Q. Okay. First want you to explain to the jury  
2 what does it mean to be a patrol officer; what do you  
3 do?

4 What are your job duties?

5 A. As a patrol officer we run calls for service.  
6 Basically any kind of disturbances, robberies or any  
7 type of crimes, also accidents on freeways, things of  
8 that nature.

9 Q. And you said that you were specifically doing  
10 hot spot. What is that?

11 A. Basically the northeast area on the hot spot  
12 units we would just go to high crime areas  
13 particularly that's been discovered through data and  
14 particular crimes --

15 MR. MONCRIFFE: Non-responsive Your  
16 Honor.

17 THE COURT: Sustained.

18 Q. (By Ms. Fuller) What were your duties as a  
19 hot spot unit officer?

20 A. Just go to high crime areas.

21 Q. All right. So you would -- were you active  
22 patrol meaning you were in those areas or did you just  
23 respond to calls for service in those areas?

24 A. I -- more of a proactive unit but every once  
25 in awhile we did respond to high priority calls.

1 Q. Okay. Are you familiar with the Chevron gas  
2 station that's located at 5445 East Freeway?

3 A. Yes, ma'am.

4 Q. All right. It is a Chevron station. Is that  
5 correct?

6 A. That's correct.

7 Q. And is that location in Harris County, Texas?

8 A. Yes, ma'am.

9 Q. How is it -- prior to that day did you go to  
10 that Chevron frequently?

11 A. Yes, ma'am.

12 Q. Okay. And what would you go to that Chevron  
13 for?

14 A. Go there to use the restroom or get a bottled  
15 water.

16 Q. You know the people who were working there?

17 A. I knew them as, I guess you could say  
18 casually, just hi and how you doing, things of that  
19 nature.

20 Q. So, the people that worked there, the clerks  
21 working at that Chevron you recognized them and knew  
22 them?

23 A. Yes, ma'am.

24 Q. Okay. Was it the same clerks typically that  
25 were working during your shift?

1           A.    Yes, ma'am.

2                       MS. FULLER:  May I approach the witness  
3 Your Honor?

4                       THE COURT:  You may.

5           Q.    (By Ms. Fuller)  I'm going to show you what's  
6 been marked as State's Exhibits 1 through 18.  If you  
7 could please take a look at each of those and then  
8 I'll ask you some questions.  So you can just look  
9 through them right now.

10           All right.  Starting with State's Exhibit No. 1.  
11 Do you recognize State's Exhibit 1?

12           A.    Yes, ma'am.

13           Q.    And is that a map?

14           A.    Yes.

15           Q.    Is it a map of the area that we're talking  
16 about?

17           A.    Yes, ma'am.

18           Q.    And you didn't create this map did you?

19           A.    No, ma'am.

20           Q.    And you don't know if it's to scale?

21           A.    No.

22           Q.    Okay.  But it's a fair and accurate copy of  
23 the streets that we're talking about?

24           A.    Yes.

25           Q.    All right.  And State's Exhibits 2 through 18

1 are they a fair and accurate copy of the events that  
2 occurred on June 17, 2011?

3 A. Yes, ma'am.

4 MS. FULLER: Your Honor, at this time  
5 State moves to admit State's Exhibits 1 through 18  
6 tender to Defense counsel for inspection.

7 MR. MONCRIFFE: No objections Your Honor.

8 THE COURT: State's Exhibits 1 through 18  
9 are admitted.

10 MS. FULLER: Permission to publish Your  
11 Honor?

12 THE COURT: You may.

13 Q. (By Ms. Fuller) All right. So on June 17,  
14 2011, did you receive a call to that location that  
15 we're talking about 5445 East Freeway?

16 A. Yes, ma'am.

17 Q. And is that location the Chevron gas station?

18 A. Yes.

19 Q. All right. And when you got the call what  
20 was the call for, in regards to?

21 A. I believe it was a robbery in progress at  
22 that location.

23 Q. Okay.

24 A. And me and officer Waggoner happened to be  
25 close to that area.

1 Q. All right. Had you stopped at that Chevron  
2 earlier in the day?

3 A. Yes.

4 Q. Do you know approximately how many minutes  
5 had passed since you had left the Chevron and when you  
6 got that call?

7 A. Probably couple hours, maybe like two hours;  
8 an hour or so.

9 Q. Were you on your shift at that time?

10 A. Yes, ma'am.

11 Q. Okay. So when you got to the scene what do  
12 you see when you get to the scene?

13 A. We get to the scene we see a whole bunch of  
14 people crowded outside. See the complainant, I  
15 believe holding his chest or this area. I believe  
16 that's where he was shot at.

17 Q. All right.

18 A. At that point I see that there's people  
19 attending to him and I knew HFD was there, on the way  
20 so I started trying to gather witnesses.

21 Q. All right. Were you and Waggoner the first  
22 police officers on the scene?

23 A. We were one of the first units on the scene.

24 Q. All right. And were you determined to be the  
25 primary unit?

1           A.    Yes.

2           Q.    All right.  So I'm going to show you State's  
3 Exhibit 1.  Can you tell from your screen -- tell me if  
4 I need to zoom in.

5                    THE COURT:  You need to turn these  
6 around.

7           Q.    (By Ms. Fuller)  Can you tell me from the  
8 screen, and you can touch the screen if you need to.

9           A.    I don't see one.

10                   MS. FULLER:  Your Honor, may he step  
11 down?

12                   THE COURT:  Yeah.  You may step down.

13           Q.    (By Ms. Fuller)  Can you point out some of  
14 the streets that we're looking at here in State's  
15 Exhibit 1?

16           A.    This is the location of the Chevron gas  
17 station.  This is Lockwood and this is the East  
18 Freeway right here.

19           Q.    Okay.  Now, what is -- do you know what this  
20 building is right here?

21           A.    Yes.  The Family Dollar.

22           Q.    And then this building?

23           A.    McDonalds.

24           Q.    All right.  And are you familiar with the  
25 area behind the Family Dollar and that Chevron store?

1 A. Yes.

2 Q. What are located back here on Farmer Street?

3 A. On Farmer Street there's residential houses  
4 right here on both sides of the street off of -- kind  
5 of like empty area right here behind the -- in between  
6 the Family Dollar and the Chevron there's like a empty  
7 area that goes straight to Farmer Street.

8 Q. Okay; alright. You can have a seat back on  
9 the stand.

10 THE COURT: Just for clarification is the  
11 top of the screen --

12 Q. (By Ms. Fuller) If you are traveling on  
13 Lockwood in this direction --

14 A. That's north.

15 Q. Is that north?

16 A. Yes.

17 THE COURT: Thank you.

18 Q. (By Ms. Fuller) State's Exhibit No. 2. And  
19 is this the location that we're talking about?

20 A. Yes, ma'am.

21 Q. Within that Chevron gas station was there a  
22 Subway?

23 A. Yes.

24 Q. State's Exhibit 3 is that Chevron location;  
25 is that correct?

1 A. Yes, ma'am.

2 Q. Okay. State's Exhibit 4. What would this  
3 road to the left-hand side of the photograph, what  
4 would this road be?

5 A. That's the feeder road for the East Freeway.

6 Q. And East Freeway meaning the I-10?

7 A. I-10. I'm sorry.

8 Q. Okay. As we saw in State's Exhibit 1 this is  
9 the Family Dollar and then McDonalds located next to  
10 that Chevron?

11 A. That's correct.

12 Q. State's Exhibit 5. What are we -- what angle  
13 are we looking at here?

14 A. We are looking at the -- looking in the  
15 direction of the north and right there on the side or  
16 in between the Chevron and the Family Dollar.

17 Q. All right. So on the very far middle  
18 right-hand corner kind of where I'm pointing at right  
19 in here is that the front door of the Chevron?

20 A. Yes, ma'am.

21 Q. So the parking lot to the Family Dollar would  
22 be on the left-hand side, on the other side of those  
23 vehicles?

24 A. That's correct.

25 Q. So continuing into the left-hand side in

1 State's Exhibit 6 what are we looking at?

2 A. Looking at the space in between the Chevron  
3 and the Family Dollar where it opens up.

4 Q. And is this a parking lot or is it just a  
5 vacant lot?

6 A. It's a parking lot but it's also like -- you  
7 can say a empty space in between the properties.

8 Q. And State's Exhibit 7 is another view of the  
9 Family Dollar and the McDonalds?

10 A. Yes, ma'am.

11 Q. All right. Now State's Exhibit 8 what are we  
12 looking at in State's Exhibit 8?

13 A. Looking from the view -- we're looking  
14 southbound and we're looking at the feeder road I-10  
15 and the Shell across the freeway.

16 Q. All right. And is that Chevron location on a  
17 corner?

18 A. Yes.

19 Q. All right. So State's Exhibit No. 9 is this  
20 the corner that it's on?

21 A. Yes, ma'am.

22 Q. So to the left-hand of this picture where  
23 this white truck is in State's Exhibit 9 would this be  
24 Lockwood?

25 A. That's correct.

1 Q. And in front of the picture where we see the  
2 yellow line that would be the feeder?

3 A. That's correct.

4 Q. Now when you arrived on scene do you remember  
5 did you speak with anyone?

6 A. After we arrived on scene I was just trying  
7 to get witness statements or gather witnesses. There  
8 were several people out there and it being a gas  
9 station I was trying to prevent people from leaving or  
10 without gathering information.

11 Q. All right. Did you learn at what gas pump  
12 this incident occurred at?

13 A. I believe one of the witnesses told me that  
14 it had occurred --

15 MR. MONCRIFFE: Object to hearsay Your  
16 Honor. Confrontation.

17 THE COURT: Sustained.

18 Q. (By Ms. Fuller) Based on your, based on your  
19 investigation when you were out there on the scene,  
20 I'm going to show you State's Exhibit No. 10. There is  
21 evidence tape around State's Exhibit 10, this area. Is  
22 that correct?

23 A. That's correct.

24 Q. Did you put that evidence tape up or did  
25 another officer?

1           A.    I believe another officer did.

2           Q.    Okay.  State's Exhibit 11.  You can tell  
3 across the police vehicle that this is the same  
4 location, is that correct, in State's Exhibit 11 as in  
5 State's Exhibit 10?

6           A.    That's correct.

7           Q.    Now, when you got to the scene and you  
8 started questioning witnesses you then also said that  
9 you were trying to basically control the scene.  Is  
10 that fair to say?

11          A.    Yes, ma'am.

12          Q.    Okay.  When you're out there did you find any  
13 items of evidence that you felt were related to this  
14 case?

15          A.    Yes, ma'am.

16          Q.    What did you find?

17          A.    The gun casings.

18          Q.    Okay.

19          A.    Or the shell cases.

20          Q.    I'm going to show you State's Exhibit 12.  Is  
21 that what you're referring to as the shell casing?

22          A.    Yes, ma'am.

23          Q.    Okay.  And what else did you find?

24          A.    Also found a black stocking cap.

25          Q.    Okay.  I'm going to show you State's

1 Exhibit 15. Is that what you're referring to?

2 A. Yes, ma'am.

3 Q. Okay. I'm going to ask you more questions  
4 about State's Exhibit 15 in just a moment.

5 Do you remember what State's Exhibit 13 was?

6 A. No, ma'am. I don't recall.

7 Q. Okay. Now, when you saw the shell casings did  
8 you tag that evidence? Did you collect that evidence?

9 A. Initially we waited for the robbery  
10 investigators to get out there and at that point we  
11 let them look at the evidence and then we later tagged  
12 the evidence, yes.

13 Q. So you had to wait for robbery officers to  
14 respond?

15 A. That's correct.

16 Q. And while you're waiting for them the scene  
17 had been taped off with police tape?

18 A. That's correct.

19 Q. Like in State's Exhibits 10 and 11 and you  
20 basically preserve the scene until the officers got  
21 there?

22 A. That's correct.

23 Q. Okay. Now, was the scene that you had to  
24 preserve just limited to that gas pump that we were  
25 looking at in State's Exhibit 10 and 11?

1 A. No, ma'am.

2 Q. All right. So I'm going to show you what's  
3 marked as State's Exhibit 14. What is that?

4 A. That's the back part of the parking lot on  
5 the north side in between the Chevron and Family  
6 Dollar.

7 Q. All right. So in the far left-hand corner --  
8 let me zoom out a little. Would this be the Family  
9 Dollar right there?

10 A. Yes, ma'am.

11 Q. And then the Chevron would be basically to  
12 the right of this picture where we all see it?

13 A. That's correct.

14 Q. But this is the portion behind the Chevron?

15 A. That's correct.

16 Q. All right. So what do you see in State's  
17 Exhibit 14 in addition to the Family Dollar?

18 A. There's also a trail that leads to Farmer  
19 Street which is the street north of that location.

20 Q. All right. And what is this thing in the  
21 middle of the picture?

22 A. Dumpster. Dumpsters.

23 Q. State's Exhibit 16. What do you see in  
24 State's Exhibit 16?

25 A. It's from the point of view of the trail and

1 you're looking north and you can see the Chevron and  
2 the Family Dollar and the dumpsters right there to the  
3 left.

4 Q. Is this the dumpster that we just saw in  
5 State's Exhibit 14?

6 A. Yes, ma'am.

7 Q. And the Chevron is located back in here?

8 A. That's correct.

9 Q. Okay. State's Exhibit 17. What are we looking  
10 at in State's Exhibit 17?

11 A. The trail on the north side of the parking  
12 lot that leads to Farmer Street.

13 Q. And is Farmer Street the street that runs  
14 sort of in the middle of this picture?

15 A. That's correct.

16 Q. Now you said that you found a piece of  
17 evidence and we spoke about it.

18 State's Exhibit 15. What is State's Exhibit 15?

19 A. It is a black stocking cap.

20 Q. And was it located -- can you show us on  
21 State's Exhibit 17 approximately -- actually let me  
22 strike that.

23 Let me show you State's Exhibit 18. What are we  
24 looking at there?

25 A. We are looking at -- can I go up there and

1 point?

2 Q. Sure.

3 A. This would be right here, the end of the  
4 trail. This is Farmer Street and then you can see me  
5 right here in the background watching over the  
6 stocking cap.

7 Q. Okay.

8 A. So just basically laying right there across  
9 the street.

10 Q. Now without telling me what was told you did  
11 you get information regarding that stocking cap?

12 A. Yes.

13 Q. All right. And after you received that  
14 information without telling me what that information  
15 was what did you do?

16 A. I just -- you saw me standing right there in  
17 the previous picture.

18 Q. Okay. State's Exhibit 18.

19 A. I held the scene. I held this portion of the  
20 scene until robbery units came to the location.

21 Q. And then once robbery units came to that  
22 location what did you do?

23 A. We went over the scene from the start and we  
24 went to that location.

25 Q. Okay.

1 MS. FULLER: May I approach the witness?

2 THE COURT: You may.

3 Q. (By Ms. Fuller) I'm going to show you what's  
4 been marked as State's Exhibit 19 and State's  
5 Exhibit 53. First want you to take a look at the  
6 outside of each of these bags, State's Exhibit 19 and  
7 53.

8 What do you recognize these labels to be?

9 A. This one right here the stocking cap.

10 Q. And what state exhibit would that be?

11 A. 53.

12 Q. Okay.

13 A. And these are the two fired cartridge or  
14 shell casings. No. 19.

15 Q. All right. Did you tag these items into  
16 evidence?

17 A. Yes.

18 Q. How do you know that?

19 A. Because it has my name on the outside and  
20 also my initials and the date.

21 Q. All right. So once you picked up these items  
22 of evidence off the scene you put them in these bags?

23 A. That's correct.

24 Q. And you sealed them with the tape?

25 A. That's correct.

1           Q.    And you initialed the tape on both State's  
2 Exhibit No. 19 and State's Exhibit No. 53?

3           A.    That's correct ma'am.

4           Q.    And then at some point when you brought it in  
5 you generated a label?

6           A.    That would be the property room.  They do  
7 that part.

8           Q.    Okay; alright.  And are there other  
9 identifying information on these labels that connect  
10 it back to the scene?

11          A.    It would be the location, the address, the  
12 date and time.

13          Q.    Okay.

14          A.    5400 East Freeway.

15          Q.    And the date?

16          A.    June 17, 2011.

17          Q.    All right.  I'm going to open State's  
18 Exhibit 19 and I want you to look at the contents  
19 inside State's Exhibit No. 19.

20          A.    Two shell casings; two fired shell casings.

21          Q.    All right.  Now after you submitted this into  
22 evidence and you sealed the bag did other people come  
23 in contact with some of the evidence?

24          A.    Yes, whoever -- pretty sure somebody from  
25 robbery, investigator or somebody who examines the

1 evidence.

2 Q. And State's Exhibit 53 I'm going to open.  
3 Your initials are on the back of 53 as well.

4 A. That's correct.

5 Q. Okay. Let me show you is this the stocking  
6 cap that you tagged into evidence?

7 A. That's correct.

8 Q. Okay. Looks the same as the one that you  
9 tagged into evidence?

10 A. Yes, ma'am.

11 MS. FULLER: Your Honor, at this time  
12 State moves to admit State's Exhibit No. 19 and tender  
13 to Defense counsel for inspection and hold off on  
14 State's Exhibit 53 at this time.

15 MR. MONCRIFFE: No objections Your Honor.

16 THE COURT: State's 19 is admitted.

17 MS. FULLER: Thank you Judge.

18 Permission to publish Your Honor?

19 THE COURT: You may.

20 Q. (By Ms. Fuller) All right. Can you tell us  
21 what we're looking at?

22 And Judge for the record this would be  
23 State's Exhibit No. 19 the bag and its contents.

24 THE COURT: All right.

25 THE WITNESS: Looking at two spent rounds.

1 Q. (By Ms. Fuller) How can you tell that they're  
2 spent rounds?

3 A. 'Cause the front part of the shell is  
4 missing.

5 Q. All right. So the --

6 A. The actual bullet is not in the shell.

7 Q. Okay. Can you tell from looking at these and  
8 if you can't that's okay but can you tell from looking  
9 at these the caliber of round these are?

10 A. No. I'd have to see the back of it.

11 MS. FULLER: Your Honor, may I approach?

12 THE COURT: You may.

13 Q. (By Ms. Fuller) Let me show you the contents  
14 of State's Exhibit No. 19.

15 A. Says 380 on the back.

16 Q. Okay.

17 A. And 380 for both.

18 Q. Both of these spent cases have 380 written on  
19 the back?

20 A. That's correct.

21 Q. Is that the caliber of bullet that they're  
22 referring to?

23 A. Yes, ma'am.

24 Q. What kind of gun would fire bullets that  
25 would leave behind these casings?

1 A. As far as a handgun?

2 Q. Yes.

3 A. There's -- I don't get the question ma'am.

4 Q. Okay. Let me ask it this way. Are there  
5 certain guns that keep these fired casings within the  
6 gun?

7 A. It would be a 380 gun firearm that would  
8 shoot out only 380-caliber bullets.

9 Q. And it would have to be the type of firearm  
10 that ejected the cartridge after it's fired?

11 A. That's correct.

12 Q. Okay. Versus a revolver that would keep the  
13 cartridge inside the gun?

14 A. That's correct.

15 Q. Okay. Now, typically on a scene like this  
16 would a Crime Scene Unit come out and collect this  
17 type of evidence?

18 A. Yes.

19 Q. All right. And while you were out there did  
20 the Crime Scene Unit make the scene?

21 A. While I was out there no, ma'am not that I  
22 recall.

23 Q. And you stated earlier that when you got  
24 there that the victim in this case was being treated.  
25 Is that correct?

1           A.    That's correct.

2           Q.    All right. So you arrived before EMS came to  
3 take him?

4           A.    Yes.

5           Q.    Okay. Were you able to see who it was that  
6 was shot?

7           A.    Yes.

8           Q.    And did you recognize him?

9           A.    Yes.

10          Q.    Who did you know him to be?

11          A.    Knew him to be the store clerk that worked at  
12 the Chevron gas station. I don't recall his name.

13          Q.    All right. And when you had been there  
14 however long it was into your shift previous to being  
15 called back out there was the clerk that was working  
16 in the Chevron?

17          A.    Yes.

18          Q.    All right.

19                    MS. FULLER:  May I approach again Your  
20 Honor?

21                    THE COURT:  You may.

22          Q.    (By Ms. Fuller) I want to show you what's been  
23 marked as State's Exhibit 38. Take a look at that  
24 picture.

25          A.    Yes, ma'am.

1 Q. Do you recognize the person whose in State's  
2 Exhibit 38?

3 A. Yes.

4 Q. And who is that person?

5 A. The store clerk ma'am.

6 Q. And you said you didn't know his name?

7 A. I can't remember his name right now.

8 Q. Okay.

9 A. I believe -- I mean I always called him Sam.

10 Q. Okay; alright. So you got there, you maintain  
11 the scene. Robbery then comes over.

12 Do they take over basically the scene?

13 A. That's correct.

14 Q. And do you know approximately how long you  
15 were out on the scene?

16 A. We were out there for -- as far as us period  
17 like overall or until they got there?

18 Q. Kind of overall how long had you been there?

19 A. We were out there for a couple hours.

20 Q. All right. And did you yourself speak with  
21 any of the potential witnesses that were out there?

22 A. Yes.

23 Q. Okay. And without telling me what they said  
24 were you able to get some information?

25 A. Yes, ma'am.

1 Q. All right. And were you able to use that  
2 information to find a suspect at that point and time  
3 when you were out there?

4 A. No.

5 Q. Okay.

6 MS. FULLER: Pass the witness Your Honor.

7 MR. MONCRIFFE: May I proceed Your Honor?

8 THE COURT: Please.

9 **CROSS EXAMINATION**

10 BY MR. MONCRIFFE:

11 Q. Good afternoon sergeant. How you doing  
12 today?

13 A. Doing good. Thank you.

14 Q. I have a few questions for you.

15 How long did you say you were on the force?

16 A. I been on the force for almost 10 years now.

17 Q. You were trained to become a police officer  
18 weren't you?

19 A. Yes, sir.

20 Q. As a matter of fact you were trained to do  
21 several things. Trained to make reports weren't you?

22 A. That's correct sir.

23 Q. Trained to even testify as you're doing  
24 today?

25 A. Yes sir.

1 Q. Trained to go to scenes and protect the  
2 scene?

3 A. That's correct.

4 Q. Is that correct sir?

5 A. Yes sir.

6 Q. Why is it important to protect the scene  
7 officer when you get there?

8 A. Dealing with all the evidence you want to  
9 preserve the evidence, make sure it's not messed with.

10 MR. MONCRIFFE: Your Honor, may I take a  
11 look at the evidence if the State has it, the  
12 photographs?

13 THE COURT: Photographs. You may.

14 MR. MONCRIFFE: Thank you Your Honor.

15 Q. (By Mr. Moncriffe) And I'm sorry officer I  
16 interrupted you. Why is it important to protect the  
17 scene?

18 A. To get -- you know to gather all the  
19 witnesses, preserve the scene, preserve the evidence  
20 left at the scene.

21 Q. And your job is to sort of cut things off so  
22 nobody would have access to the scene. Am I right  
23 sir?

24 A. That's correct.

25 Q. 'Cause you don't really know what the scene

1 was like when you get there. It might have been  
2 different when the events happened by the time you get  
3 there. Is that correct sir?

4 A. That's correct.

5 Q. That make sense, that question?

6 A. Yes, sir.

7 Q. How long did it take you to get there?

8 A. I don't recall.

9 Q. From the time of call -- you have your  
10 offense report?

11 A. No, sir.

12 Q. You get there within a couple seconds or was  
13 it a little time?

14 A. It was probably a couple minutes.

15 Q. When you get to the scene officer you go  
16 through the process of what State's Exhibit No. 11  
17 shows of protecting it and that's what the yellow tape  
18 is?

19 A. That's right.

20 Q. State's Exhibit No. 10 that's what the yellow  
21 tape is?

22 A. Yes, sir.

23 Q. And also as a part of protecting the scene  
24 you talk to witnesses?

25 A. That's correct.

1 Q. Witnesses are important officer because they  
2 give you a bird's eye view of what they saw at that  
3 time. Is that right?

4 A. That's correct.

5 Q. And you sit down and talk to them because  
6 they can give you accurate descriptions of what the  
7 person looked like. Is that right?

8 A. That's correct.

9 Q. Descriptions are important officer. Could  
10 you tell us why?

11 A. 'Cause it gives us a idea of what to look for  
12 when we're out there on the scene and in the future.

13 Q. Well, whether a person was fat, skinny or  
14 whether a person was tall or short, whether a person's  
15 Black, White or Brown all are relevant to  
16 descriptions.

17 Is that correct sir?

18 A. That's correct.

19 Q. And so you're looking for witnesses who saw  
20 the event right?

21 A. Yes, sir.

22 Q. And descriptions are the person who committed  
23 the offense?

24 A. Correct.

25 Q. And you said this was a hot spot, officer, is

1 that correct?

2 A. No. I worked in a hot spot unit.

3 Q. I'm sorry. Officer you also --

4 Judge may I approach the door please?

5 THE COURT: You may.

6 MR. MONCRIFFE: Can I do it without

7 asking or anytime?

8 THE COURT: Do what?

9 MR. MONCRIFFE: Can I do this constantly  
10 so you won't be bored by it?

11 Q. (By Mr. Moncriste) State's Exhibit No. 19  
12 officer you see that? Prosecutor just showed you a  
13 few moments ago. Remember that?

14 A. Yes, sir.

15 Q. Part of the reason you're protecting the  
16 scene also is to protect evidence like maybe DNA,  
17 fingerprints, things like that?

18 A. Yes, sir.

19 Q. Is that right officer can you get  
20 fingerprints off metal?

21 A. Off shell casings, yes.

22 Q. Now, in State's Exhibit No. 19 to call it  
23 correctly would you be the person who preserves it so  
24 that prints can be taken off that metal or does  
25 somebody else preserve it?

1           A. I preserve the scene, yes. Me and the other  
2 officer.

3           Q. Now, you said a CSI unit was not called out?

4           A. No, sir.

5           Q. Now, could you tell the jury what the CSI  
6 unit is? We see it on TV. Explain it to the jury.

7           What is a CSI?

8           A. The CSI or CSU they basically come out and  
9 fingerprint, take photos, things of that nature.

10          Q. Their specialty is preserving the scene?

11          A. That's correct.

12          Q. That is not your specialty?

13          A. No, sir.

14          Q. They take prints off of things simple as that  
15 but that is not your specialty is it sir?

16          A. No, sir.

17          Q. As a matter of fact even to pick up that  
18 item, for me to pick up this item I could very well  
19 destroy prints that are on it if I don't know what I'm  
20 doing. Is that correct sir?

21          A. That's correct.

22          Q. CSI people then are trained to know how to  
23 pick up that item to preserve prints on items like  
24 that. Is that correct?

25          A. That's correct.

1 Q. But we didn't have a CSI unit out there did  
2 we sir?

3 A. No.

4 Q. Officer I want you to look at State's Exhibit  
5 No. 12. You see that sir?

6 A. Yes, sir.

7 Q. You see that sir?

8 A. Yes.

9 Q. When I say CSI unit they would have to know a  
10 special way to pick that up so not to disturb possible  
11 prints on it. Is that correct sir; is that what  
12 you're saying?

13 A. Yes.

14 Q. State's Exhibit No. 13 where was this item  
15 found sir, if you remember?

16 A. I don't recall sir.

17 Q. What does it look like to you?

18 A. Looks like some type of prepaid gas card or  
19 credit card type.

20 Q. We can take prints off that too can't we  
21 officer?

22 A. I'm not sure sir.

23 Q. And also officer I want to go back to  
24 physical description of witnesses. Someone says a  
25 person was 15 as opposed to 50 that makes a major

1 difference doesn't it?

2 A. Yes, sir.

3 Q. 'Cause it gives you a characteristic to look  
4 for?

5 A. Yes, sir.

6 Q. Am I correct sir?

7 A. Yes.

8 Q. So when someone gives you a description that  
9 description is very important isn't it officer?

10 A. Yes sir.

11 Q. Someone says someone was Black instead of  
12 White all that's important?

13 A. That's correct.

14 Q. If someone says a person was 6-foot 6 as  
15 opposed to 5-foot 6 that's important?

16 A. Yes sir.

17 Q. Because once again whatever the description  
18 of witnesses are giving you you're sending people to  
19 look for that physical characteristic. Am I correct  
20 sir?

21 A. Yes, sir.

22 Q. Now officer State's Exhibit No. 18 you see a  
23 group of police officers there. Is that correct?

24 A. Yes, sir.

25 Q. But you have other officers looking for

1 someone based upon a description that was given; am I  
2 correct sir?

3 A. At that time I don't believe so sir.

4 Q. Was there a time when --

5 A. Yes, sir.

6 Q. -- other officers was looking for someone  
7 based upon a characteristic, physical characteristic?

8 A. Yes.

9 Q. Officer at this time do you know what the  
10 physical characteristics were?

11 MS. FULLER: Objection. That would be  
12 hearsay.

13 THE COURT: Whether or not he can answer  
14 yes or no let me hear it.

15 Q. (By Mr. Moncriffe) Question was do you know  
16 what the physical characteristics were at that time?

17 A. I would need to see the report but I  
18 believe --

19 Q. No, sir.

20 Do you have your report in front of you?

21 A. No, sir.

22 MS. FULLER: I have a copy.

23 MR. MONCRIFFE: Could he get a  
24 opportunity to look at his report please?

25 MS. FULLER: Sure.

1 THE WITNESS: You want me to give the  
2 description that --

3 Q. (By Mr. Moncriffe) No. No. Sir, the  
4 question is do you know what the physical  
5 characteristics were, what the officers were looking  
6 for?

7 A. Yes.

8 MR. MONCRIFFE: Can I approach the  
9 witness Your Honor?

10 THE COURT: You may. Yes.

11 Q. (By Mr. Moncriffe) And officer I want you to  
12 show me where you see that.

13 A. Right here sir. And clothing description.

14 Q. You have an understanding of what the age was  
15 at that time?

16 A. No, sir.

17 Q. Was there later on a time when you got --  
18 gathered additional information that enhanced the  
19 characteristics, physical characteristics, made it  
20 more specific?

21 A. No, sir not that I recall.

22 Q. And officer basically -- that's basically  
23 your role. You're through with it. You come in  
24 preserve the scene, if it's evidence there you  
25 preserve it for other officers who come in and examine

1 it further. Is that correct?

2 A. That's correct sir.

3 Q. And that's basically your job?

4 A. That's correct.

5 MR. MONCRIFFE: No further questions at  
6 this time Your Honor.

7 MS. FULLER: Nothing further from the  
8 State.

9 THE COURT: You can stand down.  
10 Call your next witness.

11 MR. MONCRIFFE: Your Honor, we would like  
12 to preserve him for recall.

13 THE COURT: Remain on call.

14 MS. FULLER: State calls Sujesh Mahajan

15 THE BAILIFF: Your Honor this witness has  
16 been sworn.

17 THE COURT: Thank you.  
18 Proceed please.

19 **SUJESH MAHAJAN,**

20 After having been duly sworn was called to the stand  
21 and testified as follows:

22 DIRECT EXAMINATION

23 BY MS. FULLER:

24 Q. Would you please state and then spell your  
25 name for the record?