

1 G. SALCIDO,  
2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 Q. (BY MR. PENEGUY) Would you please introduce  
5 yourself to the jury?

6 A. Officer G. Salcido.

7 Q. And, sir, what agency do you work for?

8 A. The Houston Police Department.

9 Q. How long have you worked there?

10 A. I'm on my 29th year.

11 Q. Can you tell us where you are currently  
12 assigned?

13 A. At the southeast station on Mykawa.

14 Q. 29 years. Before becoming a certified  
15 peace officer, did you go through the police academy?

16 A. Yes, sir.

17 Q. Did you receive all the training to be a  
18 certified peace officer in the State of Texas?

19 A. Yes, sir.

20 Q. Are you currently a certified peace officer  
21 in the State of Texas?

22 A. Yes, sir.

23 Q. I want to talk to you a little bit about an  
24 event that took place in June of 2012. I want to  
25 take you back to June 2012. Can you tell the jury

1 what part of town you were working at then?

2 A. It's the southeast side of town by Mykawa,  
3 M.L.K., Scott, Cullen, Airport area.

4 Q. Back then, what shift were you working?

5 A. Night shift.

6 Q. Were you working in uniform as you are  
7 today?

8 A. Yes, sir.

9 Q. Did you ride alone or with someone else?

10 A. By myself.

11 Q. Okay. Did you have a partner that night?

12 A. No, sir.

13 Q. Can you tell the jury what type of police  
14 car you drove?

15 A. Back then it was the white and blue Ford.

16 Q. Clearly identifiable as a police officer's  
17 vehicle?

18 A. Yes.

19 Q. On June 8th, 2012, did you respond to a  
20 scene on Van Fleet Street?

21 A. Yes, I did.

22 Q. And can you tell the jury where Van Fleet  
23 Street is?

24 A. Van Fleet runs east and west coming off of  
25 Calhoun and it of kind of veers off into Jutland.

1                   MR. PENEGUY: Judge, may I approach  
2 the witness?

3                   THE COURT: You may.

4           Q.     (BY MR. PENEGUY) Handing you what's been  
5 marked for identification purposes as State's Exhibit  
6 No. 1 through 5. Look through each of them briefly.

7           A.     Yes, sir (complies).

8           Q.     Do you recognize State's Exhibit No. 1  
9 through 5?

10          A.     Yes, sir.

11          Q.     Prior to testifying today, did you have an  
12 opportunity to look at State's Exhibit No. 1 through  
13 5?

14          A.     Yes.

15          Q.     What are these items?

16          A.     It's just more or less a general area of  
17 the scene.

18          Q.     Are they maps and satellite images?

19          A.     Yes, sir.

20          Q.     Do they fatherly and accurately depict the  
21 representative landmarks and the streets in that part  
22 of town?

23          A.     Yes, sir, they do.

24          Q.     Do they kind of show what that part of town  
25 looks like?

1           A.       Sort of in a way, but it doesn't look like  
2 that at night.

3           Q.       Do we know if these are to scale or not?

4           A.       I couldn't say.

5           Q.       Do they appear to be to scale?

6           A.       Yes, sir.

7                    MR. PENEGUY: Your Honor, at this time  
8 offer State's Exhibit No. 1 through 5, tender to  
9 defense counsel.

10                   MR. SCOTT: We have no objection, your  
11 Honor.

12                   THE COURT: Thank you, sir. 1 through  
13 5 are admitted.

14                   MR. PENEGUY: Judge, may I publish  
15 State's Exhibit No. 1 through 5?

16                   THE COURT: You may.

17           Q.       (BY MR. PENEGUY) Officer Salcido, I'm going  
18 to show you what has been admitted as State's Exhibit  
19 No. 1. It's going to appear on the screens in the  
20 courtroom and in the screen directly to your right.  
21 Just for purposes of this map, is this a general map  
22 of Houston and the south Houston area?

23           A.       Yes, sir.

24           Q.       And is there a dot on the bottom of that  
25 that shows the approximate location of Van Fleet

1 Street?

2 A. Yes, sir, there is.

3 Q. And the interstate that is between Houston  
4 and Van Fleet Street, what is the interstate that you  
5 have to pass to get there?

6 A. The loop, 610.

7 Q. State's Exhibit No. 2, is this a closer up  
8 image of Van Fleet Street?

9 A. Yes, sir, it is.

10 Q. Can you describe which direction Van Fleet  
11 Street runs for the record?

12 A. It runs east and west.

13 Q. And right at that approximate location,  
14 does it dead-end into another street?

15 A. Yes, sir, it does.

16 Q. What street is that?

17 A. That's going to be Jutland Road.

18 Q. Are you familiar with that intersection?

19 A. Yes, sir.

20 Q. Can you tell us what is at that  
21 intersection or what is on Jutland right there?

22 A. It's -- to the north of Van Fleet there  
23 where it dead-ends, it's a school playground, middle  
24 school I think it is. I think it's Jones.

25 Q. State's Exhibit No. 3, does it just show

1 that intersection a little bit more closely?

2 A. Yes, sir.

3 Q. Now, State's 4 and 5, are these satellite  
4 images, just kind of common images?

5 A. Yes, sir.

6 Q. Do they show the Van Fleet Street/Jutland  
7 intersection?

8 A. Yes, sir, they do.

9 Q. On June 8th, 2012, can you tell us what  
10 time you received a call to respond to Van Fleet  
11 Street?

12 A. It was right after midnight, about 12:24.

13 Q. So, was June 8th, 2012, the day that  
14 started after midnight on that call?

15 A. Yes, sir.

16 Q. Let me ask you this: Do you remember what  
17 type of call you received?

18 A. I received a -- it was dispatched -- I was  
19 dispatched to a person down call.

20 Q. What does that generally mean?

21 A. It could be anything like -- it could be an  
22 accident, somebody intoxicated just passed out on the  
23 side of the road, anything.

24 Q. Can you tell us approximately what time --  
25 you said -- when you got there, were you the first

1 officer there or not?

2 A. Yes, sir.

3 Q. Was there any other body responding to that  
4 call?

5 A. The paramedics were already there.

6 Q. Excuse me?

7 A. The paramedics were already there.

8 Q. So, the paramedics beat you to the scene,  
9 but were you the first law enforcement officer?

10 A. Yes, sir.

11 Q. Can you tell us what you saw when you were  
12 there?

13 A. I saw a female kind of sitting up slumped  
14 over, facing the street.

15 Q. Were the paramedics currently treating her?

16 A. We got there about the same time, but they  
17 were -- I didn't get too close or none of that  
18 because they were the first responders.

19 Q. Now, can you describe where she was in the  
20 street?

21 A. She was -- there was basically like a  
22 drainage -- one of those drainage things that pop out  
23 of the side of the street. That's what she was  
24 sitting on.

25 Q. And did she appear that she had suffered

1 some type of trauma?

2 A. She had blood. I mean, her face was all  
3 bloody.

4 Q. What did you do when you first arrived?

5 A. Just tried to ask her more or less what  
6 happened to her because we didn't know if she got hit  
7 by a car or nothing like that until we found out  
8 later.

9 Q. Were you able to get her name?

10 A. I don't believe so. No, sir.

11 Q. You're out there on the street. What was  
12 her demeanor?

13 A. She was just like -- she was like out of  
14 it, like she might have been intoxicated because of  
15 the injury that she had on her face.

16 Q. Where was she bleeding?

17 A. I couldn't tell because I didn't hang  
18 around long enough for her to be cleaned up. All I  
19 know is she was -- her head was all bloody.

20 Q. What happened next?

21 A. As we're trying to help this lady, me and  
22 the paramedics are trying to find out what happened,  
23 another female ran by saying that she had been  
24 assaulted, also --

25 MR. SCOTT: Your Honor, I would object



1 to hearsay as to anything anyone said out there.

2 MR. PENEHUY: Judge, it's the  
3 exception of excited utterance rule.

4 THE COURT: It's overruled.  
5 You may answer it.

6 MR. SCOTT: If it please the Court, I  
7 don't believe the proper predicate has been laid for  
8 an excited utterance at this time, your Honor.

9 THE COURT: All right.

10 Q. (BY MR. PENEHUY) Let's break this down a  
11 little bit. You said another woman came forward.  
12 Can you describe how you first saw that woman?

13 A. She just goes by as we're trying to get  
14 information from the first lady that was on the  
15 street.

16 Q. How did she appear?

17 A. She was hysterical as she was going by.

18 Q. What is she saying?

19 A. That she had been assaulted and there was  
20 somebody assaulting other people in the house.

21 Q. Now, specifically do you remember how she  
22 said she was assaulted?

23 A. She said she had been raped.

24 Q. Were those her words?

25 A. Yes, sir.

1 Q. You said she was hysterical. What else did  
2 you see about her?

3 A. Just that -- she was just trying to get  
4 away from the area.

5 Q. What happened with her?

6 A. I had to go get her, bring her back and put  
7 her in the back of the patrol car.

8 Q. That woman, did you get her identified  
9 later on?

10 A. Yes, sir.

11 Q. What was her name?

12 A. I think it was Patricia Ann Asberry or  
13 Moore.

14 Q. Is that Patricia Ann Asberry and Moore is a  
15 married name?

16 A. I have no idea, sir.

17 Q. But did you document Patricia Ann Asberry?

18 A. I think I documented both because her ID --  
19 I think her ID carried Moore.

20 Q. Okay. Where was she placed?

21 A. She was placed in the back of my patrol  
22 car.

23 Q. Now, you said she mentioned something about  
24 a house. What happened?

25 A. We found out -- well, she told us that it

1 was two houses --

2 MR. SCOTT: Your Honor, I object.

3 It's going beyond excited utterance, your Honor.

4 THE COURT: Overruled.

5 Q. (BY MR. PENEGUY) You can answer the  
6 question, sir.

7 A. She told us that two houses down from where  
8 we were at there was a man assaulting everybody in  
9 there and that that's where she had been raped.

10 Q. What did you do next?

11 A. We -- me and -- the second unit that showed  
12 up is an Officer King and some overtime sergeant that  
13 made the scene. We tried to find out which house it  
14 was. It happened to be right at the corner of Van  
15 Fleet and Jutland.

16 Q. Okay. So the house specifically at the  
17 corner?

18 A. Yes, sir.

19 Q. Did you get the address?

20 A. 5126.

21 Q. Is that a Van Fleet address or Jutland?

22 A. Van Fleet.

23 Q. What did you do next?

24 A. We went to the house to find out what was  
25 really going on because there was nothing -- we

1       couldn't see or hear anything from the front.

2           Q.       What part did you take in that process?

3           A.       Well, we all took the same part. We tried  
4       to search the house. We knocked on the door, we  
5       identified ourselves as police, and then made entry  
6       into the house because the door was open.

7           Q.       When you entered the house, what did you  
8       see?

9           A.       The first thing I saw was a person laying  
10       down on the floor.

11          Q.       Was that person responsive?

12          A.       No, sir.

13          Q.       Did you see blood?

14          A.       Yes, sir.

15          Q.       Where?

16          A.       Right underneath his face because he was  
17       face down.

18          Q.       Describe that room when you walked in.

19          A.       There was -- I mean, it was at all torn up.  
20       There was nothing -- just no furniture. It was  
21       all -- it was all chaos in there.

22          Q.       Now, when you're responding to 5126 Van  
23       Fleet Street and you're entering the house, what's  
24       your purpose?

25          A.       To determine what was actually going on and

1 to see if the suspect was still there that had raped  
2 the female who had told us she had been raped in the  
3 house.

4 Q. So, what's the process that you take after  
5 you see the person lying facedown in the front room?

6 A. Well, we try to -- we try to search the  
7 area of the house, make sure there's no more victims  
8 or suspects in the house.

9 Q. Okay. Did you clear the entire residence?

10 A. Yes, sir.

11 Q. Did you locate anybody else in the house?

12 A. There was an older gentleman in the house.

13 Q. Okay. And do you remember where he was?

14 A. I didn't find him, but I think he was -- he  
15 might have been --

16 MR. SCOTT: Your Honor, I would object  
17 then if he has no personal knowledge as to where the  
18 man was.

19 THE COURT: Sustained.

20 Q. (BY MR. PENEHUY) Were you personally the  
21 one who found him?

22 A. No, sir.

23 Q. Did you see him in the house, though?

24 A. Yes.

25 Q. Can you describe how he appeared?

1           A.       He appeared kind of -- well, he was an  
2 older gentleman. Like he was just -- he was just  
3 there. Not -- not -- he wasn't saying much. He  
4 wasn't saying anything. Really nothing. He was just  
5 there.

6           Q.       And did he appear to have suffered any  
7 trauma?

8           A.       He had blood on his shirt that I can  
9 remember, but other than that, I don't -- I have no  
10 idea he received any injuries or not.

11          Q.       Okay. Did you locate anyone that you  
12 identified as a suspect inside that location?

13          A.       No, sir.

14          Q.       When you find yourself in a scene like  
15 this, what do you do after the residence is secured?

16          A.       When it's determined that there's a  
17 homicide, there's somebody dead inside the house or  
18 whatever, the first thing to do is we call homicide  
19 so they can come out and take over the scene.

20          Q.       Now, was it your -- I mean, when you  
21 observe a homicide and you call homicide detectives,  
22 what becomes your role?

23          A.       Just to secure the area, make sure nobody  
24 tampers with the evidence.

25          Q.       Were you touching anything inside that

1 house?

2 A. No, sir.

3 Q. Did you attempt to secure the premises?

4 A. Yes, we did. It was secured.

5 Q. Now, did you do that by yourself or was it  
6 a group of officers?

7 A. It was all the officers that arrived after  
8 it was determined it was a homicide.

9 Q. Are you present when homicide officers  
10 arrive?

11 A. I'm pretty sure I still was, I was still at  
12 the scene.

13 Q. Okay. Did you process any evidence in that  
14 location?

15 A. No, sir.

16 Q. Did you take any formal witness statements  
17 at that location?

18 A. Yes, but not for -- not for a report.

19 Q. Okay. The things that you did do, do you  
20 document that in an offense report later on?

21 A. Yes, sir.

22 Q. And that night after you'd done your part  
23 at the scene, were you responsible for doing any  
24 transporting?

25 A. Yes, sir. I was advised by a homicide

1 sergeant at the scene to transport the raped female  
2 to the hospital.

3 Q. And did you, in fact, do that?

4 A. Yes, sir.

5 Q. Do you remember which hospital you went to?

6 A. I think it was Memorial, Hermann Memorial.

7 Q. And when you checked or when you brought  
8 her to the hospital, what do you do you with a rape  
9 victim that you bring to the hospital? Do you just  
10 drop her off at the door or --

11 A. No. We make sure she's taken in by the  
12 attending nurses there and give her the -- I give her  
13 the procedure of what's going to happen after that.

14 Q. So, to your knowledge, you had paramedics  
15 on the scene with one female; is that correct?

16 A. Yes, sir.

17 Q. Then you were primarily responsible for  
18 transporting the second female to the hospital?

19 A. Yes, sir.

20 MR. PENEGUY: Judge, at this time we  
21 would offer State's Exhibit No. 6 and State's Exhibit  
22 No. 7 into evidence. They are records that have been  
23 on file with this court. And I'll tender to opposing  
24 counsel.

25 MR. SCOTT: May we approach?



1 (At the Bench.)

2 MR. SCOTT: We would object to the  
3 introduction of State's Exhibit No. 6 in that it does  
4 not mention in any way whatsoever a person by the  
5 name of Margaret Stewart or any other person that's a  
6 participant in this cause of action.

7 MR. PENEGUY: When we offer the  
8 medical records we will tie it in.

9 MR. SCOTT: It's not in yet. This at  
10 least has the name on it --

11 THE COURT: Response from the State?

12 MR. PENEGUY: Judge, they link up to  
13 the evidence that has come out already about a female  
14 in the street. HFD is responding to the female  
15 laying in the street. It's outside of the residence  
16 that links up to the time and the call from 911 as  
17 reported by Pilar Torres with the corresponding  
18 responding medics that arrived on the scene according  
19 to the testimony of Officer Salcido.

20 MR. SCOTT: There is more than one  
21 address listed in there. It does not definitively  
22 connect up with the case that we're here in now.

23 MR. PENEGUY: It's two scenes.

24 THE COURT: Is this common that  
25 they --

1                   MR. PENEGUY: She's unknown until  
2 she's transported.

3                   THE COURT: Who are you going to have  
4 to link this up?

5                   MR. PENEGUY: The medical records of  
6 Margaret Stewart. They are on file. I can offer  
7 them now. They are through a different officer.  
8 But, Judge, they can describe the decedent found on  
9 the ground at 5126 Van Fleet as well as the female  
10 that is found in the street immediately outside of  
11 Pilar Torres' home. We'd say they have been made  
12 relevant by the two witnesses' testimony. If she's  
13 identified or never identified, they would still be  
14 relevant.

15                   THE COURT: It's overruled. State's 6  
16 and 7.

17                   (In open court.)

18                   THE COURT: State's 6 admitted.

19                   MR. SCOTT: No objection as to 7.

20                   THE COURT: Thank you. 7 is admitted.

21                   MR. PENEGUY: Judge, may I publish a  
22 portion of State's Exhibit No. 6 and a portion of  
23 State's Exhibit No. 7?

24                   THE COURT: You may.

25                   MR. PENEGUY: State's Exhibit No. 6

1 are records from a custodian of Houston Fire  
2 Department documenting 15 pages of evidence. Date  
3 and time of notation is shown at 00:22, 06/08/2012.  
4 Scene location is listed as 5118 Van Fleet Street.  
5 Dispatch records show a B F, unknown age, sitting in  
6 the gutter with unknown injuries from assault.  
7 There's additional information about the scene there.

8 Document Number 7, State's Exhibit  
9 No. 7 is a business record affidavit from Memorial  
10 Hermann Hospital, Texas Medical Center, containing 45  
11 pages. These document evidence pertaining to  
12 Patricia A. Moore, date of birth, 8/31/1957. And on  
13 page one of 25, listed arrival information, method of  
14 arrival is listed as non-ambulatory walk in  
15 accompanied by HPD Officer Salcido.

16 Q. (BY MR. PENEGUY) Officer Salcido, after you  
17 transported Patricia to Memorial Hermann Hospital,  
18 can you tell the jury how long you stayed at the  
19 hospital?

20 A. I don't recall the time that I left the  
21 scene and arrived at the hospital, but I stayed there  
22 until I was released by a day shift unit.

23 Q. That night did you go back to the scene on  
24 Van Fleet Street after going to the hospital?

25 A. No, sir, I don't believe so.

1                   MR. PENEGUY: Judge, I pass the  
2 witness.

3                   THE COURT: Mr. Scott.

4                   MR. SCOTT: Yes, your Honor. Thank  
5 you.

6                   CROSS-EXAMINATION

7           Q.    (BY MR. SCOTT) Officer, on that particular  
8 evening, do you have a recollection about where you  
9 were when you received the call to go to the Van  
10 Fleet location?

11          A.    I had to be somewhere around Cullen and the  
12 Loop.

13          Q.    And you were just on regular patrol at that  
14 time I assume; is that correct?

15          A.    Yes, sir.

16          Q.    All right, sir. So, you get the call over  
17 the radio. You're in a single unit. You drive over  
18 there to find out either a woman is down, and P.I.,  
19 or some other description.

20          A.    A person down.

21          Q.    All right. All right, sir. Do you know  
22 about how that call came in or not? Do you know  
23 whether it was a 911 or -- is that just from the  
24 station, someone receives it --

25          A.    They dispatched me to the call. I don't

1 know if it came through 911 or just regular.

2 Q. All right. Then do you have any  
3 recollection about how long it took you to get there?

4 A. I think it was about two, three minutes.

5 Q. Okay. And you say that you were the first  
6 one there or at least first officer there, correct?

7 A. Yes, sir.

8 Q. All right. But EMS either got there at the  
9 same time you did or might have been there a little  
10 bit before you got there?

11 A. Yes, sir.

12 Q. Do you remember which it was?

13 A. I believe they were just pulling in as I'm  
14 coming down the street.

15 Q. Do you know where they would have come  
16 from?

17 A. They had to come from -- I think the  
18 closest station is on Van Fleet down by M.L.K.

19 Q. How far is it?

20 A. I don't know. About five blocks, five or  
21 six blocks.

22 Q. So, they would have come straight down Van  
23 Fleet? Is that what you're saying?

24 A. Well, I had to go around the school because  
25 it cuts off. Van Fleet coming off of M.L.K. it comes

1 east and west and you have to go down St. Lo South,  
2 go to Van Fleet again, and go west to Jutland, and  
3 then go north from Jutland and west on Van Fleet.

4 Q. So, you've got to do some jogging around to  
5 get there, basically?

6 A. Yes, sir. They would.

7 Q. And this --

8 A. If that's where they came from. Like I  
9 said, I don't know if that's where they came from.

10 Q. Okay. If they hadn't come from there,  
11 where would have been another close one? Do you  
12 know?

13 A. Scott.

14 Q. They could -- I assume -- I don't know  
15 this, but it occurred to me that probably the best  
16 way to do it would be to send the closest people that  
17 you have available to go there, right?

18 A. Well, it -- that's the way it's supposed to  
19 be. But if the closer one is tied up, they'll send  
20 whoever is closest.

21 Q. Now, you say the house you went to is on  
22 the corner, correct?

23 A. Yes, sir.

24 Q. In relation to the house on the corner that  
25 has the Van Fleet address, where was this woman that

1 you didn't know whether she was intoxicated or what  
2 had happen to her? How far was she from that  
3 location, the corner house?

4 A. The one that I got dispatched to?

5 Q. Yes, sir.

6 A. I think it was about two houses down.

7 Q. According to the picture, that would have  
8 been down to the south; is that correct?

9 A. It would have been to the west of the  
10 house.

11 Q. I thought Van Fleet ran east and west.

12 A. Well, it will be west from the house.

13 MR. SCOTT: Where are the photographs?

14 MR. PENEGUY: Right here.

15 Q. (BY MR. SCOTT) Well, let's do it this way.  
16 Let me see if I can run this machine over here.

17 Now, they got a little red dot right  
18 there. To your way of thinking, what does -- what is  
19 that little red dot pointing to?

20 A. Possibly the address of 5126 Van Fleet,  
21 that house, corner house.

22 Q. What is at that shiny-looking roof up to  
23 the left of that? This right here, what is that?  
24 (Indicating.)

25 A. It think it's -- it's a carport.

1           Q.     Okay.  Are you able to actually see the  
2 house in this picture or not?  I'm having trouble  
3 seeing it.

4           A.     No, sir, not really.

5           Q.     Okay.  All right.  So, between that house  
6 and where the lady was or the woman that was in the  
7 ditch -- was she actually in the ditch or was she --

8           A.     No.  There's no ditch there.

9           Q.     There's no ditch there, huh?

10          A.     No.

11          Q.     Okay.  So, she wasn't in the ditch.  Was  
12 she on -- is there a sidewalk there?

13          A.     Well, sort of.

14          Q.     Okay.

15          A.     It's all broken up, but if you look real  
16 close, you'll see it.

17          Q.     So, was she at a sidewalk or where was she  
18 then?

19          A.     She was sitting on the drainage --

20          Q.     Curb?

21          A.     -- culvert or whatever you call it.

22          Q.     Culvert?

23          A.     Yeah.

24          Q.     Okay.  Driveway culvert or regular culvert?

25          A.     No.  No.  It's in the middle between



1 houses, not on driveways.

2 Q. Okay. All right. Now, how long had you  
3 been there either talking to the lady that was  
4 sitting there -- the first one you went out to see  
5 about, right -- how long had you been there with her  
6 before you say this other woman went by you?

7 A. I wouldn't say no more than two minutes.

8 Q. How many? Two minutes?

9 A. Yes, sir.

10 Q. All right. And you told us you had to go  
11 get her or the something?

12 A. Yes, because she went by. She just kept on  
13 going.

14 Q. She's running, walking, or what?

15 A. I would say in a hurry.

16 Q. Going in a hurry?

17 A. Yes, sir.

18 Q. All right. Well, the prosecutor had you  
19 describe what you were driving. You were driving a  
20 police car, correct?

21 A. Yes, sir.

22 Q. I think you said that it was easily  
23 identified as a police car, right?

24 A. Yes, sir.

25 Q. Okay. And you're wearing a uniform, I

1     assume, because you're a police officer in a police  
2     car?

3             A.     Yes, sir.

4             Q.     All right. EMS is there and they've got,  
5     what, one of those red ambulance-looking things with  
6     lights on?

7             A.     Yes, sir.

8             Q.     They were there?

9             A.     Yes, sir.

10            Q.     All right. But the woman still went past  
11     all of you, correct, down the street?

12            A.     Yes, sir.

13            Q.     And was she -- which way was she headed  
14     going on Van Fleet?

15            A.     Westbound.

16            Q.     So, she's going away from the corner there?

17            A.     Yes, sir.

18            Q.     Further west toward -- what was that?  
19     M.L.K. or what did you say?

20            A.     That's going to be Calhoun.

21            Q.     Calhoun? All right.

22            A.     The major one.

23            Q.     And how far down the street did you have to  
24     chase her to bring her back?

25            A.     Not too far. Not too far. Maybe two car

1 lengths.

2 Q. All right. You brought her back, and  
3 that's when she started talking to you about  
4 supposedly what had happened at the other house,  
5 correct?

6 A. Yes, sir.

7 Q. All right. Now, you go to the other house.  
8 And you said -- you started using the phrase "we"  
9 when you said this.

10 A. Uh-huh.

11 Q. Who was "we"? You and who?

12 A. It was Officer King.

13 Q. I'm sorry? King?

14 A. King.

15 Q. All right.

16 A. He was riding 14 then, 26, 24. I'm not too  
17 sure.

18 Q. So, then you and Officer King go to the  
19 location based upon the instructions given to you by  
20 the lady that was going down the street by herself;  
21 correct?

22 A. By that time there was a sergeant also  
23 showed up.

24 Q. Oh, he was there then, too?

25 A. Yes, sir.

1           Q.       Okay. Well, give us an idea then, Officer  
2 Saudeco, how long are you talking about? It's taken  
3 you about two or three minutes to get there. You're  
4 dealing with the woman for, what you say, a couple  
5 minutes, couple three minutes. Then the other woman  
6 goes by you. Then you get her. And now you're  
7 saying King is there. Officer King is there?

8           A.       Yes, sir.

9           Q.       And some sergeant is there, correct?

10          A.       Yes, sir.

11          Q.       All right. When did the sergeant get  
12 there? Does he come -- first off, does he come in  
13 his own car? Is that how he gets there, or is he  
14 riding with someone?

15          A.       Yes, sir. His own patrol car, yes, sir.

16          Q.       Okay. King is in his own patrol car;  
17 you're in your own patrol car?

18          A.       Yes, sir.

19          Q.       And sergeant who?

20          A.       I don't want to lie to you, but I can't --

21          Q.       I don't want you to lie to me.

22          A.       I can't remember his name.

23          Q.       Okay. All right. Sergeant Somebody showed  
24 up?

25          A.       He was riding 85 then 02 that night.

1 Q. 03?

2 A. Two.

3 Q. Two. All right. So, Sergeant Somebody  
4 shows -- aren't you supposed to remember your  
5 sergeant's name?

6 A. I don't.

7 Q. I don't blame you. All right. So,  
8 Sergeant Somebody shows up. And how long has he been  
9 there before the lady goes by you?

10 A. I don't think he was there at that time.

11 Q. Okay. When did he get there then?

12 A. After the second unit showed up. I guess  
13 my backup unit showed up, and then the sergeant  
14 showed up. I guess he was just in the area because  
15 he wasn't dispatched to it.

16 Q. You already had the woman in your car?

17 A. Yes, sir.

18 Q. All right. So, she's already told you what  
19 she said. And then that's when you go down there,  
20 right?

21 A. Yes, sir.

22 Q. Do all three of you go down there, or just  
23 you and King?

24 A. All three of us.

25 Q. So, all three of you make entry -- is there

1 just the three of you making entry into that house?

2 A. Yes, sir. I believe so.

3 Q. At that time there is just three of you,  
4 right? Secure the house. Check it out. Find this  
5 other fellow sitting in there, correct? Older  
6 fellow?

7 A. Yes, the one that was assaulted, yes, sir.

8 Q. Huh?

9 A. Or the dead one?

10 Q. No. Okay. We've got somebody sitting out  
11 on a culvert.

12 A. Okay.

13 Q. One woman on the culvert, right?

14 A. Uh-huh.

15 Q. Then we've got one woman down the street  
16 back in your patrol car?

17 A. Uh-huh.

18 Q. Then you go to the house. You walk in and  
19 you see a fellow laying on the floor?

20 A. Yes, sir.

21 Q. And didn't you tell us there was somebody  
22 else there?

23 A. Yes, sir.

24 Q. Okay. That's the other fellow. Where was  
25 he then?

1           A.       I didn't find him.

2           Q.       I know you didn't find him.  Where did you  
3 first see him?

4           A.       When he's walking up into the living room.

5           Q.       From the back of the house somewhere,  
6 right?

7           A.       I think the side, side bedroom.

8           Q.       How many bedrooms did that house have?

9           A.       I couldn't tell you.

10          Q.       How many rooms did you go into?

11          A.       I think I went into two straight back, and  
12 then the other officers cleared the other.

13          Q.       You went into the living room?

14          A.       Yes, sir

15          Q.       And what other room?

16          A.       The one right behind the living room.  I  
17 don't know if it was -- I don't recall if it was a  
18 bathroom or just another bedroom.

19          Q.       What was in it?  Was there a bed in it?

20          A.       No, sir.  There was -- like I said,  
21 furniture was everywhere.  There was no -- I mean, it  
22 was just destroyed.

23          Q.       All right.  Did you do any -- your purpose  
24 to go in there was to see, one, if there was any more  
25 people and if there was anybody that was causing all

1 this trouble, right?

2 A. Yes, sir.

3 Q. You didn't find anybody that was causing  
4 all the trouble, but you found this one other person  
5 in there plus the guy on the floor, right?

6 A. Yes, sir.

7 Q. All right. Then how much longer were you  
8 there until you finally went to the hospital?

9 A. Until after homicide made the scene.

10 Q. And how long was that? How long had you  
11 been there before homicide showed up then?

12 A. I couldn't really tell you if it was  
13 45 minutes, an hour. I really -- I couldn't tell  
14 you.

15 Q. Well, did you make an offense report that  
16 would give us those kind of times?

17 A. No, sir. On homicide scenes, we don't --  
18 they don't want us to do too much into the -- into  
19 the details.

20 Q. Well, did you do an offense report at all?

21 A. I did a supplement.

22 Q. Right. And in the supplement would have  
23 been what? Things like what time you got there, what  
24 time you got the call?

25 A. What time I got the call, what time I



1 arrived, what I saw.

2 Q. Right.

3 A. And what I did.

4 Q. How long you were there, and then when you  
5 went to the hospital, right?

6 A. Not necessarily how long I was there.

7 Q. Okay. Would it be in there about you going  
8 to the hospital?

9 A. No, sir.

10 Q. Okay. I think the prosecutor asked you  
11 about any investigation work. You really didn't do  
12 any, did you, other than just look around and make  
13 sure the place was secured?

14 A. Once it was determined it was a homicide,  
15 like I said, it's hands-off deal. Homicide gets  
16 there.

17 Q. You just shut her down and stand there and  
18 wait until homicide gets there?

19 A. Like I say, we just secure the area, make  
20 sure witnesses and like that don't walk off.

21 Q. Did you see anybody else out there besides  
22 the woman sitting on the culvert and the woman walk  
23 by you, the dead guy on the floor and the other guy  
24 in the house? Did you see any other potential  
25 witnesses?

1           A.       Well, there's always people -- when they  
2 see the lights out there, there's always people come  
3 out.

4           Q.       What?

5           A.       People come out when they see the lights,  
6 either patrol -- I mean, police lights or ambulance.

7           Q.       They come out, check it out, see what is  
8 going on?

9           A.       Yes, sir.

10          Q.       Did you talk to anybody that said they knew  
11 anything about it, other than those people that were  
12 sitting right there?

13          A.       I might have talked to the reportee, the  
14 woman that originally called for the person down.

15          Q.       Did you talk to her?

16          A.       I probably did, yes, sir.

17          Q.       And what was her name?

18          A.       All I know is I went to 5118. That's the  
19 one that called. I don't recall if I talked to the  
20 lady that actually made the call or her daughter. I  
21 don't know. Somebody answered the door and --

22          Q.       How did y'all get in the house?

23          A.       Where the suspect was at?

24          Q.       I'm sorry?

25          A.       Where we were looking for the suspect?

1 Q. Yeah, where the dead guy was.

2 A. Okay. The door was open.

3 Q. The door was open?

4 A. Yes, sir.

5 Q. It had burglar bars on it, did it not?

6 A. I don't recall.

7 Q. You don't remember --

8 A. No, sir.

9 Q. -- the windows all having burglar bars on  
10 them and the door having a burglar bar?

11 A. I didn't open no burglar bars, no, sir.

12 Q. Okay. So, if it was open though, you just  
13 didn't see them or notice them?

14 A. I probably didn't notice it.

15 Q. Okay.

16 MR. SCOTT: I'll pass the witness,  
17 your Honor.

18 MR. PENEGUY: No further questions.  
19 May he be excused?

20 MR. SCOTT: To be placed on call, your  
21 Honor.

22 THE COURT: You are excused subject to  
23 recall.

24 THE WITNESS: Yes, sir.

25 THE COURT: Call your next witness.

1 MR. PENEY: Judge, state calls  
2 Officer Tompkins.

3 THE COURT: All right, from the State.

4 OWEN TOMPKINS,  
5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 Q. (BY MR. PENEY) Can you please introduce  
8 yourself to the jury?

9 A. I'm Owen Woodrow Tompkins. I'm a police  
10 officer with the Houston Police Department.

11 Q. Sir, how long have you worked with Houston  
12 Police Department?

13 A. 11 years.

14 Q. Can you tell us prior to actually being  
15 able to work on the street, did you go through the  
16 police academy?

17 A. Yes, sir.

18 Q. Did you receive training and experience to  
19 become a certified peace officer in the State of  
20 Texas?

21 A. Yes, sir.

22 Q. Are you currently a certified peace officer  
23 in the State of Texas?

24 A. Yes, sir.

25 Q. Tell the jury just briefly what type of