

1 jury.

2 (Jury seated.)

3 THE COURT: All right. Y'all may
4 be seated.

5 State, call your next.

6 MS. MAGNESS: State calls Officer
7 Senecal.

8 THE BAILIFF: The witness has
9 already been sworn.

10 THE COURT: Have a seat, please.
11 You may proceed.

12 MS. MAGNESS: Thank you, Judge.

13 **TIMOTHY SENECAI,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 **BY MS. MAGNESS:**

17 Q. Good afternoon.

18 A. Good afternoon.

19 Q. Thank you for waiting so patiently, by
20 the way.

21 A. You're welcome.

22 Q. Introduce yourself to the jury, please.

23 A. I'm Officer Timothy Senecal with the
24 Houston Police Department.

25 Q. How long have you worked with the

1 Houston Police Department?

2 A. Just over four years.

3 Q. And what division are you currently
4 assigned to?

5 A. Right now I'm assigned to the Juvenile
6 Sex Crimes Unit.

7 Q. And what are your duties with that unit?

8 A. I go after child pedophiles, people that
9 go after children for sexual gratification.

10 Q. And how long have you been in that
11 assignment?

12 A. Approximately eight months.

13 Q. And prior to that assignment where did
14 you work?

15 A. I was at Southeast Patrol.

16 Q. And is that where you started your
17 career is with Southeast Patrol?

18 A. Yes, ma'am.

19 Q. Graduated from the Police Academy?

20 A. Yes, ma'am.

21 Q. And are you a certified peace officer?

22 A. Yes, ma'am.

23 Q. Back in November of 2011, were you a
24 patrol officer in Southeast Patrol?

25 A. Yes, ma'am.

1 Q. And did you ride by yourself or did you
2 have a partner?

3 A. I had a partner at the time.

4 Q. And at the time were you -- was it a
5 two-man unit or were you still in training or on a
6 probationary period or --

7 A. We were a two-man unit at the time.

8 Q. And who was your partner?

9 A. Officer Reginald Gilbert.

10 Q. And when did your shift start and when
11 did your shift end?

12 A. Our shift began at 4:00 p.m. and ended
13 at 2:00 a.m.

14 Q. And I want to take your attention
15 specifically to November the 2nd of 2011. Were you
16 riding with Officer Gilbert on that date?

17 A. Yes, ma'am.

18 Q. And do you recall checking by a location
19 to assist with an investigation?

20 A. Yes, ma'am.

21 Q. Where did you go?

22 A. We went to, I believe it was, the 11000
23 block of Martin Luther King Boulevard.

24 Q. And what officer did you make contact
25 with?

1 A. We were checking by with Officer Hutson.

2 Q. And after making contact with Officer
3 Hutson, did you receive information that led you to
4 go to a secondary location?

5 A. Yes. Originally we were looking for
6 spent shell casings around the 11000 block of MLK.
7 We drove up and down from 11000 MLK to 12000 MLK
8 looking for spent shell casings. We were not able
9 to find any at that time.

10 Q. So what led you to go -- you're not
11 finding any spent shell casings at that location.
12 What led you to go to a second location?

13 A. We returned to the scene where we
14 originally checked by with Officer Hutson. Officer
15 Hutson had contacted the manager of Domino's Pizza
16 at the time. The nearest -- the nearest order to
17 where we were at was located at, I believe it was,
18 5430 Madden. And so we decided -- we volunteered to
19 check by at that location to see if anything was --
20 anything had happened at that point.

21 MS. MAGNESS: May I approach the
22 witness, Judge?

23 THE COURT: Yes, ma'am.

24 Q. (By Ms. Magness) Let me show you what's
25 been marked for identification purposes as State's

1 Exhibit No. 10. Does this map fairly and accurately
2 depict the secondary location that you and Officer
3 Gilbert went to, specifically 5430 Madden Lane?

4 A. Yes, ma'am.

5 Q. And is that location on Madden Lane
6 within Harris County, Texas?

7 A. Yes, ma'am.

8 Q. Now, I want to show you what's been
9 marked for identification purposes as State's
10 Exhibits 7, 8 and 9. Do those photographs
11 accurately depict what you observed there at 5430
12 Madden on November the 2nd of 2011?

13 A. Yes, ma'am.

14 MS. MAGNESS: Tendering State's
15 Exhibits 10, 7, 8 and 9 to opposing counsel and
16 offering them into evidence.

17 (State's Exhibits No. 7 through 10,
18 Photographs, offered.)

19 MR. CORNELIUS: No objection to any
20 of them, Judge.

21 THE COURT: That's 7, 8, 9 and 10?

22 MS. MAGNESS: Yes.

23 THE COURT: All right. 7, 8, 9 and
24 10 are admitted and you may publish.

25 (State's Exhibits No. 7 through 10

1 admitted.)

2 MS. MAGNESS: Thank you.

3 Q. (By Ms. Magness) When you -- when you
4 arrived at 5430 Madden, did you begin canvassing the
5 area?

6 A. Yes, ma'am.

7 Q. And tell the jury what that means. What
8 did you do?

9 A. We were looking for spent shell casings
10 just like we were on Martin Luther King Boulevard.
11 When we pulled up to the actual address, we saw a
12 spent shell casing in the driveway of 5430 Madden.
13 At that point we started walking through the area.
14 My partner took -- I believe he was walking along
15 the sidewalk by the houses and I took the streets.

16 Shortly after we found the first spent
17 shell casing on the driveway, I found another shell
18 casing in the middle of the street.

19 Q. Explain to the jury or describe if you
20 can the sort of lighting that you were working with
21 out there.

22 A. It was pretty poor lighting. It was
23 late in the evening, around, I think it was, like,
24 11:30, 11:45. There were a few houses that had
25 outside lights, but the lighting wasn't very great.

1 Q. Did you -- do you remember whether or
2 not you had the use of handheld flashlights?

3 A. I did have my handheld flashlight and my
4 partner did as well.

5 Q. Now, the house that's located at 5430
6 Madden -- I'm showing you and the jury now State's
7 Exhibit No. 7 -- is that the house that we're making
8 reference to?

9 A. Yes, ma'am.

10 Q. In looking at this photograph, there is
11 a residence to -- what would be to the right-hand
12 side of the photograph. Do you know whether or not
13 that house was occupied?

14 A. I don't remember, ma'am.

15 Q. Okay. On the other side of the house at
16 5430 Madden, was there a residence?

17 A. I don't recall.

18 Q. Okay. And it's okay if you don't.

19 A. Okay.

20 Q. It's all right.

21 So in the driveway -- this photograph is
22 depicting the driveway and the street. There are
23 grassy areas on both sides of the driveway?

24 A. That's correct.

25 Q. Now, in State's Exhibit No. 8, what

1 looks like out here on the street, it looks like
2 something being used there as a marker. What is
3 that?

4 A. That's a roll of duct tape.

5 Q. And where did that come from?

6 A. While we were out there, we had
7 originally put little pieces of paper to mark where
8 the shell casings were found. While we were waiting
9 for the Crime Scent Unit and Homicide to make it to
10 our location, it began to rain and wind very
11 heavily. So we tried to find a way to maintain the
12 location of the shell casings, and so we found a
13 roll of duct tape in our trunk. We put that around
14 on the street, and then I monitored the one in the
15 driveway. We didn't have anything else to protect
16 that one.

17 Q. So you find two shell casings out there,
18 and then you've got weather affecting -- affecting
19 their positioning, correct?

20 A. Yes, ma'am.

21 Q. Is it possible that there were any other
22 shell casings out there that you didn't initially
23 observe that the weather could have affected those
24 and moved them?

25 A. Yes, ma'am.

1 Q. Now, did you collect that evidence or
2 did you -- did you leave somebody else with that
3 responsibility?

4 A. I left that with the Crime Scent Unit.

5 Q. Do you recall which Crime Scene officer
6 came to the scene?

7 A. I don't recall, ma'am.

8 Q. Okay. That's fine.

9 Other than what you've described to us
10 up to this point, did you take any other active role
11 in this investigation?

12 A. While we were out there, there was a
13 group of -- I guess they were neighbors that
14 gathered outside. My partner went and got their
15 information and recorded that. I got a brief
16 statement. I believe I recorded that in my report.

17 Q. And in talking with those neighbors,
18 were you able to determine whether there had been an
19 eyewitness to the shooting?

20 A. If I remember correctly, no one had
21 witnessed anything, but they had heard gunshots in
22 the area close by.

23 Q. So up to that point did you have any
24 evidentiary leads other than those two shell
25 casings?

1 A. No, ma'am.

2 MS. MAGNESS: I'll pass this
3 witness.

4 THE COURT: Mr. Cornelius.

5 **CROSS-EXAMINATION**

6 **BY MR. CORNELIUS:**

7 Q. Officer Senecal, my name is Skip
8 Cornelius. We've never met or discussed this case
9 before; is that correct?

10 A. That's correct.

11 Q. I just have a very few questions for
12 you.

13 You showed us these small pictures that
14 the jury just saw. Do you know who took those
15 pictures?

16 A. I do not, sir.

17 Q. Okay. Were you there when the Crime
18 Scene Unit came out?

19 A. Yes, sir.

20 Q. Do you know if they took pictures? Did
21 you see them take any pictures?

22 A. I don't recall them taking pictures,
23 sir.

24 Q. What about measurements?

25 A. I don't remember.

1 Q. Did you do any measuring?

2 A. No, sir.

3 Q. The distance between the two shell
4 casings you didn't measure?

5 A. No, sir.

6 Q. You don't know if anybody else did
7 either?

8 A. I don't know for sure.

9 Q. Did the shell casings move, to your
10 knowledge, once it started raining or --

11 A. To my knowledge, they didn't look like
12 they moved. They looked to be in the same general
13 location.

14 Q. Okay. When it started raining, I mean,
15 what did you guys do?

16 A. When it started raining, we contacted
17 our sergeant first to ask him how we should preserve
18 the evidence, and that was Sergeant Figueroa. He
19 said try to find anything, like a cup or anything
20 with a circle type shape to -- to contain the
21 evidence.

22 Q. To hold it in place?

23 A. Yes, sir. All we were able to find was
24 the duct tape so we put the duct tape around the one
25 in the street. The one on the driveway we didn't

1 have any way of containing that area.

2 Q. But you said you continued to monitor
3 it. I assume that means to watch it?

4 A. Yes, sir. We pulled our police car back
5 next to the houses on that side of the street, and
6 we shined our light on that area to make sure no one
7 entered or exited that area. We could -- we could
8 see the duct tape, and we were trying to monitor
9 where the shell casing on the driveway was.

10 Q. Okay.

11 MR. CORNELIUS: Pass the witness.

12 MS. MAGNESS: No further questions,
13 Judge.

14 THE COURT: May this witness be
15 excused?

16 MS. MAGNESS: Yes, sir.

17 MR. CORNELIUS: Yes.

18 THE COURT: All right. You may
19 step down. You're excused. Thank you, Officer.

20 All right. Ladies and gentlemen of
21 the jury, that's all the witnesses that we have for
22 you today.

23 Tomorrow morning if you can be back
24 in the jury room by 10:00 o'clock. We'll get
25 started as soon as everyone is here. Obviously we