

1 hands. You merely indicated that it might be longer on  
2 another type of surface, correct?

3 A. Yes, sir. Depending on how that surface is  
4 being disturbed, but there's nothing to allow us to  
5 speak to any degree of time.

6 MR. WENTZ: Pass the witness, Your Honor.

7 MR. STAYTON: Nothing further.

8 THE COURT: You may step down, sir.

9 THE WITNESS: Thank you, sir.

10 THE COURT: Call your next witness.

11 MS. COLLINS: State calls Officer Jesus  
12 Sosa to the stand.

13 MR. WENTZ: May we approach off the record?

14 THE COURT: Okay.

15 (At the Bench, off the record)

16 THE BAILIFF: Judge, this witness has not  
17 been sworn in.

18 (Witness sworn)

19 THE COURT: All right. Go ahead.

20 MS. COLLINS: Thank you, Your Honor.

21 **JESUS SOSA,**

22 having been first duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

24 **BY MS. COLLINS:**

25 Q. Good afternoon.

1           A.    Good afternoon.

2           Q.    Can you tell us -- tell us your name.

3           A.    My first name is Jesus, J-e-s-u-s.  Last name  
4 is Sosa, S-o-s-a.

5           Q.    And how are you employed?

6           A.    I'm a police officer with the Houston Police  
7 Department.  I'm assigned to the Homicide Division.

8           Q.    And how long have you been with the Houston  
9 Police Department?

10          A.    Twenty-one years.

11          Q.    How long with Homicide?

12          A.    Seventeen.

13          Q.    When you first came to the Houston Police  
14 Department, can you tell us a little bit about your  
15 training when you first got there?

16          A.    Went through a six-month academy class.  After  
17 graduation, we were assigned to the field training  
18 program where we were trained on dayshift, evening  
19 shift, and nightshift.  And then we went through the  
20 evaluation phase.  And then we finished out our first  
21 year of probation on the street.

22          Q.    Since then, have you continued to have  
23 education over the years as a police officer?

24          A.    Yes, ma'am.

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

1 classes that you have taken, specifically, training you  
2 in the area of homicide?

3 A. I was just checking my training records  
4 yesterday. I've roughly received -- I have attended  
5 around 20 homicide-related classes dealing with homicide  
6 investigations, interview and interrogation, evidence  
7 collection, that kind of sort.

8 Q. Now, you've said you've been with Homicide for  
9 17 years?

10 A. Yes, ma'am, 17.

11 Q. In that time period, about how many homicide  
12 cases would you say that you've been assigned to  
13 investigate?

14 A. We average -- they say that we average around  
15 10 cases per year, but because I'm a Spanish speaker, I  
16 assist with other ongoing investigations. So, if I've  
17 been there 17 years, roughly 170, ballpark.

18 Q. Now, do you normally work with a partner or by  
19 yourself?

20 A. Both.

21 Q. Now, when you first -- well, can you briefly  
22 describe how you come into contact with homicide cases?  
23 Are they assigned? How does that come about?

24 A. Yes, ma'am, they're assigned. Usually a pair  
25 of investigators is on call, whether it's during the

1 dayshift or on call after you go home. On this  
2 particular day, it was at night. And Officer Wright,  
3 she was working the homicide hold desk, she called me on  
4 the phone and she assigned me the investigation.

5 Q. And you said on this date, is that July 18th,  
6 2013?

7 A. Yes, ma'am.

8 Q. Now, were you the only homicide officer called  
9 out to that scene that evening?

10 A. No, ma'am. My partner, Officer Xavier --  
11 X-a-v-i-e-r -- Avila -- A-v-i-l-a -- was my partner.

12 Q. Now, what was the location that you were both  
13 called out to?

14 A. It was the parking lot of the Calvary Hill  
15 Baptist Church located at 3941 Almeda Genoa Road.

16 Q. And is that in Harris County, Texas?

17 A. Yes, ma'am, it is.

18 Q. Is this a location that you were personally  
19 familiar with?

20 A. I grew up out there in that area, so I knew the  
21 general area, but I had never been to that church  
22 before.

23 Q. When you get to the scene, who all is there?  
24 Can you describe what you see?

25 A. The primary officer, Officer Torres, and two

1 supervisors, Sergeant Bryant and Sergeant Tellez,  
2 T-e-l-l-e-z. And my partner beat me to the scene. And  
3 Officer Oliphant, I believe the CSU, he was already  
4 processing the scene. So, I met up with my partner and  
5 he provided briefing information regarding the layout.  
6 Then I met with Officer Torres and that's when we split  
7 up the investigation. My partner handled the witnesses  
8 and I handled the scene.

9 Q. Okay. Let's talk a little bit about the scene  
10 to begin with. You said that this was the parking lot  
11 of a church.

12 A. Yes, ma'am.

13 Q. Would you say that this was a well-lit area?

14 A. No, ma'am, not really. The -- the street was  
15 lit -- if I remember correctly, the front of the church  
16 was lit. And there was a mercury vapor light at the  
17 very northeast corner of the parking lot by the  
18 fellowship hall. It would turn off and on throughout  
19 the whole investigation.

20 Q. And when you say a mercury light, what are we  
21 talking about there?

22 A. It's -- it's a pretty good size round light  
23 that turns on and off with solar power -- or, actually,  
24 it's -- I forgot what type of switch it is, but it's  
25 dusted on the type of switch. When it gets dark, the

1 light turns on, but for some reason this one kept on  
2 turning on and off.

3 Q. And I'm showing you State's Exhibit No. 53.  
4 Can you point out this vapor light that you were just  
5 referring to?

6 A. Right at the very corner of the roof of that  
7 white building (indicating).

8 Q. Okay. And if you'll touch the screen there to  
9 leave a mark.

10 A. (Witness complies).

11 Q. Okay. So, would it be fair to say that  
12 depending on whether this light was on or it was off at  
13 the time, it could be lighter or darker at the scene?

14 A. That's correct.

15 Q. And you mentioned that there were also lights  
16 out on the street. Is that right?

17 A. Yes, ma'am. You could see some of the shadows  
18 right there on the front of the building from the  
19 lighting from the street.

20 Q. This area where the church is situated, would  
21 you say it's a highly traveled area, a lot of traffic  
22 around there?

23 A. Yes, ma'am. There's plenty of traffic up and  
24 down. I believe it's Cullen Boulevard. And that's  
25 north and south. And then east and west on Alameda Road,

1 Almeda Genoa.

2 Q. And nearby -- showing you State's Exhibit  
3 No. 52 -- are there gas stations, strip centers, things  
4 of that nature (indicating)?

5 A. Yes, ma'am, that's correct.

6 Q. And showing you State's Exhibit No. 52.  
7 Looking at the right-hand side of this, is this one of  
8 those gas stations that you just referred to  
9 (indicating)?

10 A. Yes, ma'am. I believe that right there is the  
11 Shell gas station (indicating).

12 Q. Fair to say that once you get closer to that  
13 intersection there, it's even more widely trafficked?

14 A. Yes, ma'am, that is correct.

15 Q. Now, when you get to the scene, you said you  
16 divided up responsibilities. You handled the scene  
17 while Avila handled the witnesses. Is that right?

18 A. Yes, ma'am.

19 Q. Were there a lot of witnesses there at the  
20 scene that night?

21 A. Only one male.

22 Q. Okay. And do you recall his name?

23 A. Christopher Trejo.

24 Q. Okay. Other than that, did you see any other  
25 civilians or onlookers?

1           A.    No, ma'am.  Reading the report, I believe his  
2 father or grandfather was involved.  I think he helped  
3 him, you know, look at the body, but I never talked to  
4 him.

5           Q.    Okay.  The scene itself, can you tell us --  
6 you're called out to a homicide.

7           A.    Yes, ma'am.

8           Q.    Did you learn who had had been killed?

9           A.    Yes, ma'am.

10          Q.    And what was his name?

11          A.    Gerald Lynn Williams.

12          Q.    Now, when you first get to the scene -- showing  
13 you State's Exhibit No. 54 -- is this about how  
14 everything looked when you got there (indicating)?

15          A.    Yes, ma'am.  It's pretty much an L-shaped  
16 parking lot.  The parking lot extends from the front of  
17 the fellowship hall, the white building, all the way to  
18 the left towards the fence line and then north towards  
19 the body or the grassy area.

20          Q.    Okay.  Now, were you able to get a look at  
21 Mr. Williams that evening and what his situation was?

22          A.    Yes, ma'am.

23          Q.    Okay.  Could you tell -- or was it obvious when  
24 you got on the scene what may have caused his death?

25          A.    Well, after the M.E. investigator shows up on



1 the scene and starts inspecting the body, it was obvious  
2 he had a shotgun wound to the right chest area.

3 Q. You said a shotgun wound. Are you familiar  
4 with weapons?

5 A. Yes, ma'am, I am.

6 Q. Specifically shotguns, handguns?

7 A. Yes, ma'am.

8 Q. Okay. Over your more than two decades with the  
9 Houston Police Department, have you had an opportunity  
10 to be trained in weapons?

11 A. Yes, ma'am.

12 Q. Have you fired several different types of  
13 weapons?

14 A. Yes, ma'am. I carry a shotgun.

15 Q. You carry a shotgun?

16 A. Yes, ma'am, I do.

17 Q. Okay. Now, what kind of shotgun do you carry?

18 A. Mine is a Winchester 1300 Defender.

19 Q. Are you familiar with different types of  
20 shotguns?

21 A. Yes, ma'am, I am.

22 Q. Okay. In this case when you saw that a shotgun  
23 might be involved, were you looking for possible other  
24 evidence linked to that shotgun out at the scene?

25 A. Well, when you're -- when you're dealing with a

1 shotgun, you're looking for three pieces of evidence,  
2 the shotgun shell, the shotgun wadding, and the pellets  
3 from the shotgun shell.

4 Q. Were you able to find any of those three things  
5 at the scene?

6 A. Yes, ma'am.

7 Q. Tell us what you found.

8 A. We found the shotgun shell right about there on  
9 the picture. And then the wadding itself of the shotgun  
10 shell was within the chest cavity of the decedent  
11 (indicating).

12 Q. Now, when you find a casing like you pointed  
13 out in State's Exhibit No. 54, does that give you any  
14 idea of where the shooter may have been at the time that  
15 he fired a shot?

16 A. Yes, ma'am.

17 Q. How so?

18 A. Well, it's obvious the complainant or the  
19 decedent falls to the left of the shotgun shell. So,  
20 I'm assuming that the decedent was right there near --  
21 within feet of where he came to rest and the shotgun  
22 shell ejected to the right and up out of the shotgun as  
23 it was fired.

24 Q. Okay. Now, you say to the right and up. Why  
25 that direction?

1           A.    The ejection port on the shotgun is on the  
2 right side of the frame of the shotgun.

3           Q.    So, if you're expecting the shotgun casing to  
4 go up and to the right, would you expect that the  
5 shooter would have been to the left of that casing  
6 somewhere?

7           A.    Exactly.

8           Q.    To be fair, is this an exact science?

9           A.    No, ma'am, it isn't.

10          Q.    Okay.

11          A.    If it -- anything could maneuver the trajectory  
12 of the shell as it's coming out, but in my opinion if  
13 there's only two people in the parking lot, it had a  
14 direct angle coming out.

15          Q.    Okay. Now, you mentioned that you had made the  
16 assumption that the complainant had fallen some feet  
17 from where he was shot. Did I say that right?

18          A.    Yes, ma'am.

19          Q.    Okay. Now, I'm going to show you State's  
20 Exhibit No. 63. Can you tell us what we're looking at  
21 here (indicating)?

22          A.    It's a blood trail, ma'am.

23          Q.    Was there anything about this particular blood  
24 trail that gives you any idea what may have happened  
25 that evening?

1           A.    Well, because of the length of the blood trail  
2 and the direction of the blood trail towards the body, I  
3 believe the decedent was standing approximately 10 feet  
4 from where he came to rest when he was shot.

5           Q.    Why 10 feet?

6           A.    That's approximately the distance from where  
7 the blood trail begins to where the body is resting.

8           Q.    And let me ask you this:  When you get out  
9 there, was there any way to determine whether this blood  
10 looked fresh, whether it looked dry versus newer?

11          A.    No, ma'am.  It was -- it was coagulating.  The  
12 dark area was coagulating blood and then there was more  
13 coagulated blood under the body.

14          Q.    Now, when you see Mr. -- well, who did you  
15 identify the -- who did you identify the body to be?

16          A.    Mr. Gerald Lynn Williams.

17          Q.    Okay.  Was there anything found that seemed to  
18 be missing off of Mr. Williams' person that evening?

19          A.    Yes, ma'am.  He had a cell phone clip on his  
20 belt.

21          Q.    I'm showing you State's Exhibit No. 73.  Is  
22 that the phone clip that you're referring to  
23 (indicating)?

24          A.    Yes, ma'am.  That right there was empty  
25 (indicating).

1 Q. Did you look around to see if the phone had  
2 slipped out or was somewhere there at the crime scene?

3 A. Yes, ma'am. We searched for it and we couldn't  
4 find it.

5 Q. Did -- what, if anything, did that lead you to  
6 believe?

7 A. That the cell phone was taken.

8 Q. Now, you mentioned that there was a witness  
9 there at the scene that evening, Christopher Trejo.  
10 After you and your partner had had a chance to speak  
11 with him, did you feel like you had a description of a  
12 person that you were looking for?

13 A. Yes, ma'am. He provided a description of a  
14 male and a vehicle.

15 Q. What -- can you give us the description of the  
16 vehicle that you were looking for at that point?

17 MR. WENTZ: Objection. That's hearsay,  
18 Your Honor.

19 THE COURT: Overruled.

20 You may answer that question.

21 A. A dark blue or black Mercedes.

22 Q. (By Ms. Collins) Now, at this point in the  
23 evening do you have any idea who that vehicle may have  
24 belonged to?

25 A. No, ma'am, we didn't.

1 Q. Do you have any idea if it belongs to  
2 Mr. Williams or someone else?

3 A. No, ma'am, we didn't.

4 Q. Were you able to find a wallet on Mr. Williams'  
5 person?

6 A. Yes, ma'am, we did.

7 Q. Were you able to determine whether or not there  
8 was any money or valuables inside of Mr. Williams'  
9 wallet?

10 A. Within the wallet, we found his Texas  
11 identification card, some miscellaneous cards, but no  
12 money, no currency.

13 Q. Now, the wallet that he had on him, do you know  
14 where that is as we sit here today?

15 A. I believe the wallet was turned over to the  
16 family when the body was turned over to the funeral  
17 home.

18 Q. Is that normal to have that turned back over to  
19 the family?

20 A. Yes, ma'am, it is.

21 Q. Now, is it ever the case where you fingerprint  
22 or lift possible DNA samples off of something like the  
23 wallet Mr. Williams had on him?

24 A. We can, but in this situation we didn't  
25 manipulate anything on the body. I believe it was

1 Investigator Doyle from the M.E.'s office, he's the one  
2 that inventoried the body. And we made the decision  
3 there at the scene to allow the wallet to remain with  
4 the body for identification purposes, for the positive  
5 I.D.

6 Q. When you're out there at the scene, you have a  
7 person who's been shot, not a lot of evidence out at the  
8 scene, what do you do next?

9 A. Well, we work with what we have. And we  
10 continued our investigation throughout the rest of the  
11 morning, trying to make a death notification, trying to  
12 locate his family members, friends, coworkers, anything  
13 that can lead us to his last whereabouts.

14 Q. Let's start with family. Were you able to  
15 locate family members in this case?

16 A. Yes, ma'am.

17 Q. And who did you speak with?

18 A. Well, my partner, Avila, he spoke with Mr. Gary  
19 Scott.

20 Q. Now, were these phone conversations or  
21 in-person conversations?

22 A. They were phone -- initially they were phone  
23 conversations. We spoke -- we -- he spoke with Gary  
24 Scott and also Tanika Watkins. And then the following  
25 day, on the 19th, I met with and interviewed Tanika.

1 Q. And at any point did you travel to  
2 Mr. Williams' family's home?

3 A. Yes, ma'am. That was for the death  
4 notification, but we were unable to locate anyone there  
5 at the house.

6 Q. Over your time investigating this case, would  
7 it be fair to say that you spoke with several different  
8 members of Mr. Williams' family?

9 A. Yes, ma'am.

10 Q. In those conversations, were they able to  
11 provide you with intel on who you might want to speak  
12 with?

13 A. Yes, ma'am.

14 Q. Who were the people that, after speaking with  
15 them, you were led to speak to?

16 A. Tanika. The reason we needed to speak to  
17 Tanika is because she was the one that was normally  
18 driving him to work and picking him up from work in his  
19 Mercedes-Benz.

20 Q. And were you aware of the nature of  
21 Mr. Williams' relationship with Tanika Watkins?

22 A. In the initial stages, no, ma'am.

23 Q. Did you eventually become familiar with what  
24 their relationship was?

25 A. Yes, ma'am. They had had an on-again-off-again



1 relationship.

2 Q. Did you also speak with someone named Bruce  
3 Spiller?

4 A. Yes. That's the decedent's cousin.

5 Q. In speaking with all of these different  
6 individuals -- let me ask you this: Were you able to  
7 build a timeline of where Mr. Williams had been that  
8 evening before he was shot?

9 A. Yes, ma'am. He was dropped off at work --

10 MR. WENTZ: Your Honor, I'm going to object  
11 to it being hearsay.

12 THE COURT: Overruled.

13 A. He was dropped off at work. Once he got off of  
14 work, he was picked up. He drove Tanika back home and  
15 he was going to -- I think he was going to go to the  
16 gambling house.

17 MR. WENTZ: Again, Your Honor, I'm going to  
18 object to hearsay.

19 THE COURT: Sustained.

20 Next question.

21 Q. (By Ms. Collins) During the course of your  
22 investigation, were you actually able to get  
23 Mr. Williams' work records to determine when he had  
24 gotten off of work?

25 A. Yes, ma'am.

1 Q. And where did he work?

2 A. At a company called Flexitallic,  
3 F-l-e-x-i-t-a-l-l-i-c.

4 MS. COLLINS: Your Honor, at this time I'd  
5 offer into evidence State's Exhibit No. 91, accompanied  
6 with a notice of intent to use business records, the  
7 Flexitallic records obtained by Officer Sosa that have  
8 been on record for the requisite amount of days.

9 **(State's Exhibit No. 91 Offered)**

10 MR. WENTZ: We have no objection, Your  
11 Honor.

12 THE COURT: All right. Then State's 91 is  
13 admitted.

14 **(State's Exhibit No. 91 Admitted)**

15 Q. (By Ms. Collins) Officer Sosa, I'm going to  
16 hand these to you for the next few questions  
17 (indicating).

18 Now, what time were you able to learn that  
19 Mr. Williams had gotten off of work in the morning hours  
20 of July 18th, 2013?

21 A. His normal routine was to get off at  
22 12:00 a.m., midnight.

23 Q. And is that reflected from the records you  
24 received from Flexitallic?

25 A. Yes, it is.

1 Q. Were you also able to figure out a number for  
2 the missing cell phone?

3 A. Yes, ma'am. They provided his home number, his  
4 address, and his cell phone number.

5 Q. And what was his cell phone number that he had  
6 given to Flexitallic?

7 A. His cell phone number was 281-451-5328.

8 Q. Why was it important to have that cell phone  
9 number in locating a missing phone?

10 A. If it's -- theoretically, if it's on there's a  
11 possibility you can track the phone. You can try to get  
12 call record history, that kind of information.

13 Q. Now, throughout the course of your  
14 communications with Mr. Williams' family, Bruce Spiller  
15 and Tanika Watkins, did it come to your attention that  
16 someone might know where the missing vehicle was?

17 A. Yes, ma'am.

18 Q. And let me kind of back up there. You  
19 mentioned that when you left the scene that evening, you  
20 weren't sure whose vehicle it was that left the scene.  
21 Were you able to learn whose vehicle it was there at the  
22 church there that night?

23 A. Yes, ma'am.

24 Q. And whose vehicle was that?

25 A. The decedent's.

1 Q. And how did you come about figuring that out?

2 A. When I interviewed Tanika Watkins.

3 Q. And the vehicle that you were given as  
4 belonging to Mr. Williams, did it fit the description of  
5 the vehicle seen leaving the church that evening?

6 A. Roughly, yes, ma'am, it did.

7 Q. Now, would it be fair to say that once you  
8 learned that, you wanted to know where that vehicle was?

9 A. That is correct.

10 Q. Was there someone who had tracked down that  
11 information on their own?

12 A. Yes, ma'am.

13 Q. And who was that?

14 A. Mr. Bruce Spiller.

15 Q. Now, do you have any idea how he tracked down  
16 that information?

17 A. He really wasn't forthcoming with that  
18 information, but he knew where I could possibly locate  
19 the vehicle.

20 Q. Did you ask him, in fact, to take you to where  
21 Mr. Williams' vehicle was?

22 A. Actually, ma'am, he volunteered to take me once  
23 he realized that the decedent was killed with a shotgun.

24 Q. And when you say that he volunteered to take  
25 you, did he, in fact, get in your car with you?

1           A.    Yes, ma'am.

2           Q.    Now, once he gets you -- gets into your  
3 vehicle, what happens at that point?

4           A.    Well, first, before anything else, I obtained  
5 his recorded statement.  Once we finished with that, he  
6 just tells me:  Let's go --

7                   MR. WENTZ:  Objection, Your Honor, to  
8 hearsay.

9                   THE COURT:  Okay.  Since we're doing a  
10 motion to suppress, hearsay is admissible for that  
11 purpose, so...

12                   MR. WENTZ:  I'm sorry --

13                   THE COURT:  In anticipation of a search  
14 or -- so, I mean, hearsay is admissible for that  
15 decision of probable cause for the search, for example,  
16 so -- okay.  And I know the difference between what I  
17 can use and what I can't use for purposes of deciding  
18 the guilt or innocence of the defendant.

19                   MR. WENTZ:  I wasn't suggesting that.

20                   THE COURT:  That's okay.  I just wanted to  
21 make that clear for the record.

22                   All right.  Go ahead.

23           Q.    (By Ms. Collins) Officer Sosa, did -- was Bruce  
24 Spiller able to guide you along to where Mr. Williams'  
25 vehicle was?

1 A. Yes, ma'am.

2 Q. Did you, in fact, find Mr. Williams' vehicle?

3 A. Yes, ma'am, we did.

4 Q. And to be clear, at the point that you find  
5 this vehicle, had you been given a license plate number  
6 and VIN that belonged to Mr. Williams' vehicle?

7 A. Yes, ma'am.

8 Q. Where did you find Mr. Williams' vehicle?

9 A. It was parked in front of the residence located  
10 at -- or that carried the address of 2226 Erastus.

11 THE REPORTER: 2226 what?

12 THE WITNESS: Erastus, E-r-a-s-t-u-s.

13 Q. (By Ms. Collins) Did you learn who, in fact,  
14 that address belonged to?

15 A. Yes, ma'am.

16 Q. And who was that?

17 A. The decedent, his mother, his sister, and his  
18 girlfriend were -- all four were living in that  
19 residence.

20 Q. Okay. Now, you said --

21 A. Oh, I'm sorry. The defendant. Forgive me.

22 Q. The defendant, his mother, his girlfriend, and  
23 his sister were living there?

24 A. That is correct.

25 Q. Okay. Now, once you come across Mr. Williams'

1 vehicle, do you -- what do you do?

2 A. Well, first of all, I have Bruce still in my  
3 vehicle. I don't want to put him into any dangerous  
4 situation. So, I make the block and park along the 5300  
5 block of Lockwood. I use my police radio for backup.  
6 And that's when Officer Jacobs arrives. I provide the  
7 information regarding the exact address, the description  
8 of the vehicle, and I requested that he set up  
9 surveillance on that video so we could wait for more  
10 backup or additional backup to arrive.

11 Q. Now, at the time that you pull around the  
12 corner and are calling for additional units, do you have  
13 eyes on Mr. Williams' vehicle?

14 A. No, ma'am, I don't.

15 Q. Okay. At that point, do you ask -- does  
16 Officer Jacobs agree to help you?

17 A. Yes, he does.

18 Q. Is he able to set up as you've requested him  
19 to?

20 A. No, ma'am. Initially I told him to let me know  
21 as soon as he gets in place or in position, but then I  
22 hear him on the radio saying that the vehicle is rolling  
23 and that's when he initiates his traffic stop.

24 Q. Okay. When you know that he's initiating a  
25 traffic stop, do you stay where you are or do you go

1 where the car is?

2 A. By that time, the calvary is showing, there's  
3 other units -- additional units that are assisting with  
4 the traffic stop. I stay at a safe distance to keep  
5 Mr. Spiller, you know, out of harm's way. And I on view  
6 the traffic stop. And everything is, you know, calm.  
7 The traffic stop occurs without incident and it goes on  
8 from there.

9 Q. Were you able to see who was driving that --  
10 Mr. Williams' vehicle at the time it was stopped?

11 A. Yes, ma'am, I did.

12 Q. And who was that?

13 A. The defendant.

14 Q. And can you identify the person you're  
15 referring to as the defendant by an article of clothing  
16 he's wearing?

17 A. Yes, ma'am. The gentleman in the blue,  
18 long-sleeved T-shirt -- I mean long-sleeved shirt.

19 MS. COLLINS: May the record reflect the  
20 witness has identified the defendant?

21 THE COURT: Yes.

22 Q. (By Ms. Collins) Once the defendant is stopped  
23 in the vehicle, where is he taken, if you know?

24 A. He's placed in Officer Jacobs' patrol car.

25 Q. And what's the point of him being detained at



1 that moment?

2 A. Well, he's obviously in a stolen vehicle and  
3 the owner of that vehicle is dead, and I need to find  
4 out why he's in that vehicle.

5 Q. What, if anything, do you ask Officer Jacobs to  
6 do in order for you to speak with the defendant?

7 A. Well, I just told him to take him into custody.  
8 He did so. And after he places the defendant in the  
9 back seat, he goes and gets the defendant's mother out  
10 of the front passenger seat, places her in the vehicle  
11 as well.

12 I approached the back of the vehicle, I  
13 explain to the defendant that I need to speak to him  
14 regarding a dead man's car that he's driving. I go  
15 around to the passenger side, say the same thing to the  
16 mother, and advise them that they are both going to be  
17 transported to the Homicide Division for questioning.  
18 And nothing is said or mentioned by either one of them.

19 Q. Okay. No questions asked?

20 A. No, ma'am. The only thing I did ask the mother  
21 was, was there anyone else at the house where the  
22 vehicle was parked. And she tells me that her daughter  
23 and the defendant's girlfriend were there.

24 Q. Did you go to the defendant's home that day?

25 A. Yes, ma'am, I did.

1 Q. Did you speak with the two individuals that  
2 were inside of the house?

3 A. Yes, ma'am, I did.

4 Q. Were they also brought for questioning?

5 A. Only the girlfriend, Clairette.

6 Q. And what was Clairette's last name?

7 A. It's hyphenated. Irvin, I-r-v-i-n, hyphen,  
8 Collins, C-o-l-l-i-n-s.

9 Q. In the process of that vehicle being stopped,  
10 did you do anything to make sure that the vehicle and  
11 the contents of the vehicle were protected for review?

12 A. Yes, ma'am.

13 Q. What did you do?

14 A. I requested one of the additional patrol units  
15 to follow the vehicle to our vehicle examination  
16 building. There I had the vehicle processed for  
17 evidence.

18 Q. Were you there when the vehicle was processed?

19 A. At the beginning, ma'am. I contacted the  
20 vehicle examination building and I spoke to Officer  
21 Holmes and I requested that he search for and locate a  
22 cell phone, and he did.

23 Q. Okay. Now, let's talk about two different cell  
24 phones.

25 A. Okay.

1 Q. At the time that the defendant was stopped,  
2 were you aware that he had a phone on him?

3 A. Yes, ma'am. I believe he was already on --  
4 making a phone call or on the phone at the time of the  
5 traffic stop. So, he has one cell phone in his hand.  
6 His mother had another phone. They were both removed  
7 from them, placed on top of the vehicle as they were  
8 taken into custody. Officer Jacobs secured those cell  
9 phones in his vehicle. And he later gave those phones  
10 to me at the Homicide Division.

11 When I realized that the one cell phone in  
12 the defendant's possession possibly belonged to my  
13 complainant, I realized that the other cell phone was  
14 his mother's, so there's one cell phone obviously  
15 missing. So, that's why I needed to locate the  
16 defendant's cell phone.

17 Q. Okay. Now, as to the defendant's mother's cell  
18 phone, did you keep that or give it back to her?

19 A. I gave it back to her, ma'am.

20 Q. And why was that?

21 A. I could not link her cell phone to the  
22 investigation.

23 Q. Okay. The other cell phone that the defendant  
24 had in his hand, what did you do with that cell phone?

25 A. To avoid getting into any legal technicalities,

1 I was able to -- without getting into it, I just dialed  
2 my personal cell phone's number from the cell phone that  
3 was in the possession of the defendant. When my phone  
4 rang, I matched it to the exact number that I was given  
5 by Flexitallic. And that was the defendant's phone --  
6 I'm sorry -- the decedent's phone.

7 Q. Okay. At that point do you think that that  
8 might give you some valuable information about what  
9 happened at the church?

10 A. Yes, ma'am.

11 Q. Do you keep that cell phone for investigative  
12 purposes?

13 A. Yes, ma'am, I do.

14 Q. And what do you do with that cell phone?

15 A. Eventually I tag it -- well, actually, I took  
16 it to the -- it's called the DFL, Digital Forensics Lab,  
17 of the Secret Service. And I -- we obtained a search  
18 warrant for the defendant's phone, not for the  
19 decedent's phone, and we had both phones processed.

20 Q. Okay. Now, we've talked about how you got the  
21 complainant's phone there at the stop of the car.

22 A. Yes, ma'am.

23 Q. How did you get the defendant's phone? Where  
24 did that come from?

25 A. After speaking with Officer Holmes at the

1 vehicle examination building, he let me know that he  
2 did, in fact, find a separate phone. I believe it was a  
3 Huawei brand or Muve Music phone. And I drive to the  
4 vehicle examination building and collect that phone.  
5 And that's when we obtained the search warrant for that  
6 phone.

7 MS. COLLINS: May I approach the witness,  
8 Your Honor?

9 THE COURT: Yes.

10 Q. (By Ms. Collins) May the record reflect I'm  
11 approaching the witness with what's been marked as  
12 State's Exhibit No. 102. If you could take a look at  
13 that, Officer Sosa (indicating).

14 A. Yes, ma'am. This is the warrant that we  
15 obtained for the defendant's cell phone.

16 Q. Okay. And can you tell us, were you the one  
17 that filled out the affidavit for that search warrant?

18 A. Yes, ma'am. I am listed as the affiant on this  
19 search warrant.

20 Q. Okay. Did you come here to the courthouse and  
21 have that warrant signed by one of the magistrates?

22 A. Yes, ma'am.

23 Q. Can you tell us who signed that warrant?

24 A. The hearing officer, Eric Hagstette, is the  
25 person that reviewed it and authorized it and signed it.

1 Q. Okay. Can you tell us the date in which that  
2 search warrant was signed?

3 A. Yes, ma'am. It was the 29th of July, 2013, at  
4 approximately 2:18 p.m.

5 MS. COLLINS: Your Honor, at this time, I'd  
6 offer into evidence State's Exhibit No. 102.

7 **(State's Exhibit No. 102 Offered)**

8 MR. WENTZ: No objection, Your Honor.

9 THE COURT: State's 102 is admitted.

10 **(State's Exhibit No. 102 Admitted)**

11 Q. (By Ms. Collins) Officer Sosa, after that  
12 warrant is signed by Eric Hagstette, what do you do with  
13 those two phones?

14 A. They're tagged into evidence at the Digital  
15 Forensics Lab.

16 Q. And when you tag them, do you tag them like  
17 other evidence --

18 A. Yes, ma'am.

19 Q. -- sealed and such?

20 A. Yes, ma'am, that's correct. There's a  
21 gentleman working the window. He receives the digital  
22 evidence, in this case two cell phones. We generate the  
23 proper correspondence to have the vehicle -- I'm  
24 sorry -- the phones examined, and then they start their  
25 own process.

1 Q. Okay. Are you familiar with where the cell  
2 phones are kept at that location?

3 A. No, ma'am. I've never gone inside the lab.

4 Q. Officer Sosa, I'm showing you what's been  
5 marked as State's Exhibits No. 92 and 93. Can you tell  
6 us what I've just handed you (indicating)?

7 A. You've handed me the defendant's phone in my  
8 left hand, Article No. 9, and the complainant's phone,  
9 the Nokia cell phone, Article No. 8, in my right hand.

10 Q. And just to clarify for the record, the package  
11 that you've identified as the defendant's phone is  
12 marked as State's Exhibit No. 93; is that correct?

13 A. That is correct, ma'am.

14 Q. And the package that you have stated as the  
15 complainant's cell phone is marked as State's Exhibit  
16 No. 92; is that correct?

17 A. That is also correct.

18 Q. Okay. Now, how do we know that these are the  
19 two same phones that you took over to the DFL?

20 A. It has my information on the packaging, ma'am,  
21 on the label itself. I am the one that entered them  
22 into evidence. And my initials are on the evidence tape  
23 on both packages.

24 Q. Okay. And can you tell the Court if there is a  
25 unique identifying offense report number that's also

1 listed on each of those packages?

2 A. Yes, ma'am. The original case number is  
3 089033513 "E," Edward, on both envelopes.

4 Q. When you do the packaging for each of those to  
5 seal them up and make sure that they're secure, do you  
6 also include information about the phone to identify  
7 which phone is which?

8 A. Yes, ma'am. I wrote the brand and model of the  
9 Huawei on Article No. 93 {sic}. And the Nokia 521 on  
10 Article No. 92 -- or Exhibit 92.

11 MS. COLLINS: Your Honor, at this time, I  
12 would offer into evidence State's Exhibits 92 and 93,  
13 and tender to opposing counsel.

14 **(State's Exhibit No. 92 and 93 Offered)**

15 MR. WENTZ: No objection at this time, Your  
16 Honor.

17 THE COURT: Okay. State's 92 and 93 are  
18 admitted.

19 **(State's Exhibit No. 92 and 93 Admitted)**

20 Q. (By Ms. Collins) Once the phones are tagged  
21 with DFL -- well, let me ask you this: What's the  
22 purpose of you taking the two phones to DFL?

23 A. During the investigation, we received  
24 information that the defendant and the decedent were  
25 communicating with one another. So, I wanted to link



1 both individuals to each other.

2 Q. Now, once you submit those phones, are you the  
3 one who actually processes those phones?

4 A. No, ma'am, I am not.

5 Q. Is there somebody else that uses -- processes  
6 those phones to determine what phone messages, text  
7 messages, and phone calls may or may not have been made?

8 A. That is correct.

9 Q. Okay. Now, you told us that when the vehicle  
10 is stopped with the defendant driving the vehicle, that  
11 you had told the defendant you wanted to speak with him.  
12 Is that right?

13 A. Yes, ma'am, that's correct.

14 Q. Did you ask to speak to him once you had gotten  
15 him down to your station?

16 A. Yes, ma'am.

17 Q. Let me ask you this, Officer Sosa: In your  
18 time as -- as an officer, specifically in Homicide, have  
19 you interviewed suspects on few or many occasions?

20 A. Multiple occasions, ma'am.

21 Q. If you could put a number on it, do you have  
22 any idea just how many interviews of suspects and  
23 defendants you've done?

24 A. A buddy of mine at the office was kidding  
25 around with me. He thinks that I've interviewed over

1 thousands of people. And I have extensive knowledge and  
2 background regarding witness interviews and  
3 interrogations.

4 Q. Okay. When you're going to attempt to  
5 interview someone who is a suspect, can you take us  
6 through the process that you use to do that?

7 A. Well, in this situation I wanted to let him sit  
8 in the interview room by himself for a little while so  
9 I -- we conducted other interviews leading up to him.  
10 And we walked in -- well, before that we turn on the  
11 recording device, walked in. It was a video recording  
12 and I had a digital recorder with me in my hand. And I  
13 placed it on the table. We introduced ourselves. We --  
14 I did the Miranda warning. I read the -- go ahead.

15 Q. Let me kind of stop you right there, ask you a  
16 few questions.

17 A. Okay.

18 Q. Prior to turning the recorder on and walking  
19 into the interview room, had you or Officer Avila had  
20 any communications with the defendant since the traffic  
21 stop?

22 A. I hadn't, ma'am. And Officer Avila -- I called  
23 Officer Avila in because he was off at the time that all  
24 this -- that was going on. He met me at the office.  
25 And I advised him that there was some people coming up

1 that needed to be talked to.

2                   Typically, what we'll do is we'll check on  
3 each individual, offer them food, drink, and restroom  
4 breaks. And that's what we always do.

5           Q.    Okay. Do you remember if it was you or Officer  
6 Avila who offered those things to the defendant that  
7 day?

8           A.    I believe it was Officer Avila.

9           Q.    And just to clarify -- I keep saying "on that  
10 day" -- what was the day that you stopped the vehicle?

11          A.    That was July 19th.

12          Q.    Okay. Just the day after Mr. Williams' body  
13 had been found; is that right?

14          A.    That is correct.

15          Q.    Okay. Do you recall whether or not the  
16 defendant took you up on your offer for food, drink, or  
17 restroom?

18          A.    I don't remember if there was any food in the  
19 interview room, but I know he did use the restroom.

20          Q.    And where is the interview room located?

21          A.    It's right there on the 6th floor of 1200  
22 Travis at HPD headquarters.

23          Q.    Okay. And are these rooms that are  
24 specifically set up for audio and videotaped interviews?

25          A.    That is correct.

1 Q. And to be fair, are these interviews like on TV  
2 where there's a bright hot light in the face of the  
3 defendant?

4 A. No, ma'am.

5 Q. Okay. What are the rooms like,  
6 temperature-wise, lighting-wise, things of that nature?

7 A. All of the interview rooms have a constant  
8 temperature. There's no way to adjust the temperature.  
9 There's florescent lighting in the ceiling. Each room  
10 has one camera and one microphone. The rooms have one  
11 solid wood door. Opening the door, they're  
12 approximately 12 feet deep by 8 feet wide. Each room  
13 has one table and at least three chairs.

14 Q. Okay. And is that the type of interview room  
15 that the defendant was in that day?

16 A. Yes, ma'am.

17 Q. Now, you mentioned that once you turned the  
18 video and audio equipment on and entered the room, that  
19 you were the one who Mirandized the defendant. Is that  
20 right?

21 A. That is correct.

22 Q. Okay. And can you tell us how you normally go  
23 about giving the Miranda rights to an individual?

24 A. In this situation, ma'am, what we did is -- I  
25 always carry a Miranda card with me. And I made a

1 colored copy of the Miranda warning and placed it in  
2 front of the defendant and I advised him that I was  
3 going to read him his warning and it was going to be the  
4 same thing that was on the paper in front of him.

5 Q. Officer Sosa, I'm going to approach you with  
6 State's Exhibit No. 94, what has been marked as State's  
7 Exhibit 94. Is this the same item you just referred to,  
8 the copy of your blue card, the Miranda rights  
9 (indicating)?

10 A. Yes, ma'am.

11 Q. And is this the exact same card that you used  
12 with the defendant on July 19th of 2013?

13 A. It might be, but I'm not sure.

14 Q. Or a copy of the same.

15 A. Yes, ma'am, they're pretty much copies of the  
16 same. I know it's different because this one has the  
17 "X" marked for the Spanish language. This one doesn't  
18 (indicating).

19 Q. And when you present this -- well, what's the  
20 purpose of blowing up this blue card for your interview?

21 A. I want him to be aware of what I'm reading to  
22 him. That way he can read as I am reading it to him.  
23 In this situation, I placed lines next to each  
24 individual warning for his initials. And then I  
25 wrote -- well, the waiver was already there. I wrote a

1 line at the bottom for his signature, the date, the  
2 time, and the case number at the very top.

3 Q. Okay. And other than this is a black and white  
4 copy, is there any changes made to the warnings, the  
5 initials, and the signature on this page from what you  
6 did on July 19th, 2013?

7 A. No, ma'am.

8 MS. COLLINS: At this time, I'd offer into  
9 evidence State's Exhibit No. 94 and tender to opposing  
10 counsel.

11 **(State's Exhibit No. 94 Offered)**

12 MR. WENTZ: May I take the witness on voir  
13 dire briefly, Your Honor?

14 THE COURT: Okay.

15 **VOIR DIRE EXAMINATION**

16 **BY MR. WENTZ:**

17 Q. I have State's Exhibit No. 94, Officer Sosa.  
18 Where is the original of this?

19 A. In the case file, sir.

20 Q. And where is the case file kept?

21 A. In the Homicide Division. It was in archives,  
22 but I had to order it back from archives in case  
23 anything was needed for the trial.

24 Q. So, that is available for us?

25 A. Yes, sir, it is.

1 MR. WENTZ: Upon observing the original, we  
2 would have no objection to State's Exhibit No. 94.

3 THE COURT: 94 is admitted.

4 **(State's Exhibit No. 94 Admitted)**

5 MS. COLLINS: Permission to publish, Your  
6 Honor?

7 THE COURT: Okay.

8 **DIRECT EXAMINATION**

9 **CONT'D BY MS. COLLINS:**

10 Q. Okay. Now, you mentioned that you make this  
11 copy for the defendant to be able to read along. Is  
12 this the exact same thing that you read to the  
13 defendant?

14 A. Yes, ma'am, it was.

15 Q. And if you would, could you read aloud for the  
16 Court the rights that you read the defendant that day?

17 A. All the way through?

18 Q. If you would.

19 A. You have the right to remain silent and not  
20 make any statement at all, and that any statement you  
21 make may be used against you and probably will be used  
22 against you at your trial. Any statement you make may  
23 be used as evidence against you in court.

24 You have the right to have a lawyer present  
25 to advise you prior to and during any questioning. If

1 you are unable to employ a lawyer, you have a right to  
2 have a lawyer appointed to advise you to -- to advise  
3 you prior to and during any questioning. You have the  
4 right to terminate this interview at any time. And then  
5 I always include number six, the waiver.

6 Q. Now, after each of these paragraphs -- and as  
7 you said, there are six -- do you ask the defendant if  
8 he understands his rights?

9 A. Yes, ma'am.

10 Q. Do you ask him to initial after each -- by each  
11 one of those paragraphs to make sure that, yes, he  
12 understands his rights?

13 A. Yes, ma'am.

14 Q. And did he do so, did he initial after each  
15 paragraph, one through six, stating that he understood  
16 his rights?

17 A. He did, ma'am.

18 Q. At the bottom, did he also sign and date the  
19 date and time that this was taken?

20 A. That's his signature. Saturday, 7-20-2013 is  
21 my handwriting, along with the time, 1:43 a.m.

22 Q. Okay. During the process of reading these  
23 rights to the defendant, did you believe that he  
24 understood each of those rights?

25 A. Yes, ma'am, I did.



1 Q. Did he, in fact, answer out loud that he  
2 understood each of those rights?

3 A. Yes, ma'am.

4 Q. During the reading of those rights, and the  
5 entirety of his interview, did you feel like he  
6 understood the conversation you were having with him?

7 A. Yes, ma'am.

8 Q. Was he able to articulate what had happened to  
9 him that day?

10 A. Yes, ma'am.

11 Q. Was he -- at any time did he seem confused by  
12 your questions?

13 A. No, ma'am, he didn't.

14 Q. At any point did he ask to terminate the  
15 interview?

16 A. No, ma'am.

17 Q. Did he ask to speak to an attorney at any point  
18 during that interview?

19 A. No, ma'am.

20 Q. Did he, in fact, sign and waive his rights that  
21 day and agree to speak with you?

22 A. He did.

23 Q. And is all of that included on both video and  
24 audiotape along with the sheet that we've seen here?

25 A. That is correct.

1 Q. Have you had an opportunity to review that  
2 statement before coming to court today?

3 A. Yes, ma'am.

4 Q. And in the process of reviewing that statement,  
5 does it look exactly as that statement took place on  
6 July 20th of 2013?

7 A. Yes, ma'am.

8 Q. Have any deletions or omissions been made to  
9 that video and audiotape?

10 A. No, ma'am.

11 MS. COLLINS: Your Honor, at this time, I'd  
12 offer into evidence State's Exhibits No. 95, both video  
13 and audio form of the defendant's statement.

14 **(State's Exhibit No. 95 Offered)**

15 MR. WENTZ: Your Honor, we would object for  
16 the purposes stated in our motion.

17 THE COURT: Okay. I'll hold on ruling on  
18 your objection. It's timely made. I need to see the  
19 statement to determine how to rule on the objection. It  
20 is timely made. I'm just withholding judgment until I  
21 see the statement.

22 MS. COLLINS: Your Honor, at this time, may  
23 I publish that statement to the Court?

24 THE COURT: Okay. It will be admitted for  
25 purposes of the hearing at this moment.

1                   **(State's Exhibit No. 95 Admitted For**  
2                   **Hearing Purposes Only)**

3                   MS. COLLINS: Yes, Your Honor.

4                   (State's Exhibit No. 95 published)

5                   Q.     (By Ms. Collins) Officer Sosa, was that the end  
6 of the interview with the defendant in this case?

7                   A.     Yes, ma'am.

8                   Q.     Did you speak to him any further after the  
9 three of you left that room?

10                  A.     Yes, ma'am. We obtained his DNA. He signed  
11 and gave us authorization on a voluntary consent for  
12 DNA. And he also met with his mother and convinced her  
13 to allow us to look for the shotgun, but we had to get  
14 her consent.

15                  Q.     Okay. I'm showing you State's Exhibit No. 44,  
16 already entered into evidence. Is this the signed  
17 consent form that the defendant gave giving you  
18 permission to take a buccal swab from him (indicating)?

19                  A.     That's it.

20                  Q.     Okay. And, again, did he cooperate through  
21 that process?

22                  A.     Yes, ma'am.

23                  Q.     Okay. Now, you mentioned that you had him  
24 speak to his mother. And what was the purpose of that?

25                  A.     When I interviewed her, I requested permission

1 to look for the shotgun and she refused to give us  
2 permission.

3 Q. Okay. Did she eventually give you consent  
4 after the defendant spoke to her?

5 A. Yes, ma'am. He convinced her to allow us to  
6 search for the shotgun.

7 Q. Okay. Now, when you went to search for that  
8 shotgun, where were you looking for it?

9 A. He said that it was underneath the residence.  
10 It's an elevated residence that sits on cinder blocks.

11 Q. Okay. Officer Sosa, I'm showing you what's  
12 been marked as State's Exhibit No. 103 (indicating).

13 A. This is the residence.

14 Q. Okay. And does it look just the way it did  
15 when you went out on that first time to search the home?

16 A. Yes, ma'am.

17 MS. COLLINS: Offer into evidence State's  
18 Exhibit No. 103 and tender to opposing counsel.

19 **(State's Exhibit No. 103 Offered)**

20 MR. WENTZ: And we have no objection, Your  
21 Honor.

22 THE COURT: State's 103 is admitted.

23 **(State's Exhibit No. 103 Admitted)**

24 Q. (By Ms. Collins) Were you, in fact, a part of  
25 the search that same day --

1 A. Yes, ma'am.

2 Q. -- for the shotgun?

3 A. That is correct.

4 Q. Looking at State's Exhibit No. 3 {sic}, can you  
5 point out to us where you thought and where the  
6 defendant said the shotgun would be?

7 A. Honestly, ma'am, we searched on every side of  
8 the house, specifically underneath the residence. We  
9 couldn't find anything anywhere.

10 Q. Now, when you went back to the home and were  
11 performing the search, who was there?

12 A. The defendant's mother, Karen. Clairette  
13 accompanied us back to the residence, but his sister,  
14 she was not at the residence.

15 Q. Okay. During the time that you were there  
16 searching for the shotgun, did you-all attempt to make  
17 contact with the defendant's sister?

18 A. The mother did, but she wasn't answering her  
19 phone.

20 Q. Okay. Now, at that point -- well, on that day,  
21 did you find the shotgun?

22 A. No, ma'am. Miss Karen, she even gave me verbal  
23 consent to go inside the house. I explained to her:  
24 I'm going to look for -- in an area large enough to  
25 conceal a shotgun. And I just did a verbal {sic} sweep

1 of the home, checked every room, underneath the  
2 furniture, including the closets. It wasn't there,  
3 either. I didn't toss the residence. I just did a  
4 verbal -- I mean a visual sweep.

5 Q. Okay. Were you able to find the shotgun inside  
6 of the home?

7 A. No, ma'am.

8 Q. Okay. Now, before you left the residence that  
9 day, did you have a conversation with the defendant's  
10 mother?

11 A. Yes, ma'am. I gave her my business card and I  
12 told her that if the shotgun turned up, to please call  
13 me.

14 Q. Did you hear from her?

15 A. Yes, ma'am.

16 Q. When did you hear from the defendant's mother  
17 again?

18 A. I believe it was on Sunday -- yes, ma'am --  
19 Sunday, July 21st, 2014. At approximately 2:42 p.m.,  
20 she calls and leaves me a cell phone message.

21 Q. Okay. In -- did you respond to that message?

22 A. I called her. I told her that I'm sorry I  
23 missed the call. And that's when she tells me that it  
24 was there at the house in a closet.

25 Q. Okay. Do you go over to the house at that

1 point?

2 A. Yes, ma'am, I do. I arrived at the house at  
3 approximately 4:20 p.m. I presented her with a  
4 voluntary consent for search and seizure, she signs it,  
5 and I located the shotgun in the closet of her bedroom.

6 Q. And, Officer Sosa, I'm showing you State's  
7 Exhibits No. 105 and 106. Can you tell us what we're  
8 looking at there (indicating)?

9 A. 105 is the closet from the bedroom looking into  
10 the closet. And 106 is the left side of the closet  
11 along -- within the actual door frame of the closet.  
12 And you can see the shotgun, the dark figure behind the  
13 wood framing.

14 Q. Do those photos depict exactly how you found  
15 the shotgun in the defendant's home that day?

16 A. Yes, ma'am. I'm the one who took these photos.

17 MS. COLLINS: Offer into evidence State's  
18 Exhibits No. 105 and 106, also tendering to opposing  
19 counsel.

20 **(State's Exhibit No. 105 and 106 Offered)**

21 MR. WENTZ: And we have no objection, Your  
22 Honor.

23 THE COURT: 105 and 106 are admitted.

24 **(State's Exhibit No. 105 and 106 Admitted)**

25 Q. (By Ms. Collins) Showing you State's Exhibit

1 No. 105. Is this the closet where you found the shotgun  
2 (indicating)?

3 A. Yes, ma'am. I found the shotgun within this  
4 framing area right here (indicating).

5 Q. Okay. I'm going to show you State's Exhibit  
6 No. 106. Is that just a close-up of the area that you  
7 just pointed to (indicating)?

8 A. Yes, ma'am. The shotgun is right there  
9 (indicating).

10 Q. Okay.

11 MS. COLLINS: Permission to approach the  
12 witness, Your Honor?

13 THE COURT: Okay.

14 Q. (By Ms. Collins) I'm showing the witness what's  
15 been premarked as State's Exhibit No. 104. Can you tell  
16 the Court what I'm handling right now (indicating)?

17 A. It's the murder weapon, ma'am. It's a  
18 Mossberg, Maverick model -- I believe Model 88, 20-gauge  
19 pump shotgun.

20 Q. Okay. Is this the same shotgun that you found  
21 in that closet that we just looked at?

22 A. It is, ma'am.

23 Q. And how do you know that?

24 A. I'm the one that tagged it into evidence. And  
25 the serial number on that weapon is logged into evidence



1 and I have it here in my notes, and it's also reflected  
2 in the offense report.

3 Q. Okay. Once you located this shotgun inside of  
4 the defendant's home, what did you do with it?

5 A. I immediately took it to the property room and  
6 tagged it into evidence.

7 Q. Okay. And is that where it's remained?

8 A. Yes, ma'am, until the other day when we checked  
9 it out for this trial.

10 Q. Now, you had mentioned earlier that there was a  
11 shotgun casing found at the scene. Did you ask for that  
12 casing to be tested against this weapon here?

13 A. Yes, ma'am.

14 MS. COLLINS: Your Honor, at this time, I'd  
15 offer into evidence State's Exhibit No. 104, the bag and  
16 its contents, and tender to opposing counsel.

17 **(State's Exhibit No. 104 Offered)**

18 MR. WENTZ: We have no objection, Your  
19 Honor.

20 THE COURT: Has the deputy examined that  
21 for safety purposes?

22 MS. COLLINS: No, Your Honor.

23 THE BAILIFF: It's safe, Judge.

24 THE COURT: All right. State's 107 is  
25 admitted.

1 THE REPORTER: 107?

2 MS. COLLINS: 104.

3 THE COURT: Looked like a 7. Sorry. 104  
4 is admitted, not 107.

5 (State's Exhibit No. 104 Admitted)

6 Q. (By Ms. Collins) Okay. I want to kind of  
7 rewind a little bit, Officer Sosa, and talk a little bit  
8 about the defendant's statement that we heard.

9 A. Yes, ma'am.

10 Q. First of all, just to clarify, there was  
11 obviously another voice and person that was in the  
12 interview room with you and the defendant. Can you tell  
13 us who that was?

14 A. The gentleman with the cowboy hat was my  
15 partner, Xavier Avila.

16 Q. Okay. Now, during the course of the interview  
17 when you're talking to the defendant -- first of all,  
18 once you have the defendant identified as Jamon Walker,  
19 the person driving Mr. Williams' vehicle, at that point  
20 do you do anything to see if this man has called the  
21 police about what had had happened to Mr. Williams?

22 A. Well, ma'am, we knew that there were no 911  
23 reports because we're the ones that responded to the  
24 scene. The only one that made a 911 call regarding the  
25 actual incident was Mr. Trejo. There was no other calls

1 made. So, it was obvious that he didn't make one.

2 Q. Now, once he tells you the story that he tells  
3 you, basically saying that it's self-defense, do you go  
4 back and look at the evidence in light of that story to  
5 see if it makes sense?

6 A. Yes, ma'am. The key being the fact that he  
7 tried to make us believe that the shooting happened  
8 within the vehicle. In other words, from a standing  
9 position on the passenger side through the vehicle to a  
10 kneeling position on the driver's side. So, I requested  
11 Officer Holmes at the vehicle examination building to  
12 swab the passenger and driver side for SEM or trace  
13 evidence for ballistics.

14 Q. Within the vehicle, did you find any actual  
15 blood?

16 A. Well, Officer Holmes found or observed what he  
17 thought was blood, but it wasn't blood. We didn't find  
18 any blood evidence in the vehicle. We didn't find any  
19 ballistic evidence in the vehicle. No gouges, strikes,  
20 nothing to reflect that the blast occurred in the  
21 vehicle.

22 Q. Would you have expected -- if things had  
23 occurred the way the defendant said they did, would you  
24 have expected to find those types of items, blood,  
25 strikes marks, things of that nature?

1           A.    Yes, ma'am.  Specifically the gases that expel  
2 from the ejection port of the shotgun along the  
3 passenger side of the vehicle and then the blast that  
4 follows the projectile leaving the shotgun barrel on the  
5 driver's side, you would have had all of that in there.  
6 There was no trace evidence, no identifiable evidence.

7           Q.    Now, let's talk about the vehicle itself.  Can  
8 you describe -- we know the type of vehicle it is.  Can  
9 you tell us, is this a big vehicle that we're talking  
10 about, Mr. Williams' car?

11          A.    It's a 300-series Mercedes-Benz, four-door  
12 sedan.  A little bit wider than the seating arrangement  
13 where Officer Avila and the defendant demonstrated how  
14 they were seated in the vehicle.

15          Q.    Would you consider it a large space, a lot of  
16 places to move around inside of the -- inside of that  
17 car?

18          A.    No.  In my opinion, no.

19          Q.    Okay.  And let's talk about that in  
20 relationship to this shotgun that we have before us.  
21 Can you give us about the dimensions of the shotgun we  
22 have here in State's Exhibit No. 104?

23          A.    I believe those are 20-inch barrels, 20 to  
24 24-inch barrels.  That's another 2 feet along the stock.  
25 So, you're looking at like a 4-foot piece of weaponry

1 right there, a little bit longer.

2 Q. Would it be fair to say that this shotgun is  
3 almost as wide as the car itself?

4 A. That's accurate, ma'am, yes.

5 Q. In fact, is it almost as tall as the car  
6 itself?

7 A. Yes, ma'am.

8 Q. Would you expect that a shotgun like this, of  
9 this size, would be easy to move about inside of a  
10 vehicle as the defendant described?

11 A. No, ma'am. The way the defendant described, he  
12 claims that the decedent grabbed it from the back and  
13 pulled it over his head. It would be very cumbersome to  
14 twist that weapon and bring it down between his legs and  
15 hold it the way he did. And then he also claims that  
16 the decedent struck him with the weapon. It would be  
17 very cumbersome to hit him along the face, the left side  
18 of his face, and then bring it back down again.

19 And then the actual incident that he  
20 describes where the struggle ensues, he lets go of the  
21 weapon as he's standing outside, and then he strikes him  
22 with his hand. From a standing position, that's  
23 physically impossible.

24 Q. And let's talk a little bit about that strike.  
25 Showing you State's Exhibits No. 99, 100, and 101. Can

1 you tell us what we're looking at here (indicating)?

2 A. These are photos of the defendant.

3 Q. And are these photos -- do they accurately show  
4 how the defendant looked at the time of the interview?

5 A. Yes, ma'am, that's correct.

6 Q. And what was the purpose of taking these photos  
7 that day?

8 A. To establish that he had no injuries, either  
9 that he could have inflicted any injuries or that he  
10 could have sustained any injuries at the incident.

11 MS. COLLINS: At this time, I'd offer into  
12 evidence State's Exhibits No. 99, 100, and 101,  
13 tendering to opposing counsel.

14 **(State's Exhibit No. 99 through 101**  
15 **Offered)**

16 MR. WENTZ: We have no objection, Your  
17 Honor.

18 THE COURT: The numbers again, 101 and --

19 MS. COLLINS: Yes. 99, 100, and 101.

20 THE COURT: State's 99, 100, and 101 are  
21 admitted.

22 **(State's Exhibit No. 99 through 101**  
23 **Admitted)**

24 Q. (By Ms. Collins) I'm showing you State's  
25 Exhibit No. 99. Is this how the defendant looked at the

1 time of the interview (indicating)?

2 A. Yes, ma'am. Those are the exact clothes that  
3 he wore when he was stopped on traffic.

4 Q. Now, in the interview you had asked him if he  
5 had any injuries. Is that right?

6 A. Yes, ma'am.

7 Q. And he made mention of something he had  
8 sustained in a scuffle?

9 A. Yes, ma'am.

10 Q. Okay. Showing you State's Exhibit No. 100.  
11 Can you tell us where he points that mark out  
12 (indicating)?

13 A. In the video he describes it along the blade of  
14 his left forearm, but now in the picture he's trying to  
15 say that it happened along the inside of his left  
16 forearm.

17 Q. I'm showing you a close-up, State's Exhibit  
18 101. Is this the only injury you found on the defendant  
19 (indicating)?

20 A. Yes, ma'am, those two. And those are old  
21 injuries (indicating).

22 Q. Now, at the time that this interview took  
23 place, if you can remind me again, how much time had  
24 passed between the murder and the interview?

25 A. It was -- well, it was almost 24 hours later.

1 Q. Okay. In your experience, did this look like  
2 something that had been sustained 24 hours prior to the  
3 interview?

4 A. Twenty-four to forty-eight -- no, ma'am. They  
5 would have been scabbed in the beginning healing stages  
6 of the injuries if they were fresh.

7 Q. Officer Sosa, I'm assuming you looked all over  
8 to make sure that you hadn't missed any injuries. Would  
9 that be fair?

10 A. Yes, ma'am.

11 Q. Did you also ask the defendant to point out  
12 anything he wanted you to see?

13 A. Yes, ma'am. Not only that, but the CSU  
14 officer, Javier, that took the photos, he's a trained  
15 CSU professional. He does the same thing. I checked  
16 him and he double-checked him.

17 Q. Other than this injury, were there any other  
18 injuries on the defendant that you could see?

19 A. No, ma'am.

20 Q. Officer Sosa, you stated earlier that you've  
21 probably done hundreds, if not thousands, of interviews  
22 over your 17 years in Homicide. Are there things that  
23 you look for in an interview -- well, during the course  
24 of an interview?

25 A. Yes, ma'am.



1 MR. WENTZ: Your Honor, I'm going to  
2 object. It's not material or relevant for the purposes  
3 of this particular --

4 THE COURT: Sustained.

5 Q. (By Ms. Collins) In this particular interview,  
6 were there things that you were looking for to determine  
7 how to proceed with this investigation?

8 A. Yes, ma'am.

9 Q. Can you tell us what those things were?

10 A. Any signs of deception.

11 MR. WENTZ: Your Honor, I'm going to object  
12 that it calls for speculation on the part of the  
13 witness, his state of mind.

14 THE COURT: Overruled as to that question.

15 Q. (By Ms. Collins) Let me ask you this, Officer  
16 Sosa: What, if any, significance did you attribute to  
17 the defendant saying that he -- and I quote -- "got him"  
18 with regard to Gerald Williams?

19 A. He did him, he killed him.

20 Q. Is that something that you would expect to hear  
21 from somebody who had truly been defending themselves?

22 MR. WENTZ: Objection, Your Honor, as to  
23 form.

24 THE COURT: Sustained.

25 Q. (By Ms. Collins) Was there ever a point in the

1 interview where the defendant seemed scared or seemed  
2 terrified by what had happened?

3 MR. WENTZ: Objection. It's not material  
4 or relevant, Your Honor.

5 THE COURT: Sustained. I saw the video. I  
6 can draw my own conclusion.

7 Q. (By Ms. Collins) Officer Sosa, after concluding  
8 your investigation, what, if anything, did you do?

9 A. Regarding the interview?

10 Q. That was a poorly-worded question. Let me  
11 rephrase that.

12 Was an arrest made in this case?

13 A. Yes, ma'am, there was.

14 Q. And who was that of?

15 A. The lone defendant was Jamon Walker.

16 Q. At the time of his arrest, Officer Sosa, did he  
17 have any other warrants or anything that would have kept  
18 him in the Harris County Jail other than the charge of  
19 capital murder?

20 A. Not that I'm aware of, ma'am.

21 MS. COLLINS: Pass the witness, Your Honor.

22 THE COURT: Mr. Wentz.

23 MR. WENTZ: May it please the Court?

24 **CROSS-EXAMINATION**

25 **BY MR. WENTZ:**

1 Q. Good afternoon.

2 A. Good afternoon, sir.

3 Q. We've already spoken briefly this afternoon.

4 My name is Kurt Wentz. And you know I'm going to be  
5 asking you some questions. Correct?

6 A. Yes, sir.

7 Q. And if you don't understand my question, will  
8 you ask me to repeat it so it's understandable to you?

9 A. I will, sir.

10 MR. WENTZ: May I have one minute to gather  
11 some exhibits, Your Honor?

12 THE COURT: Okay.

13 (Pause)

14 Q. (By Mr. Wentz) Let me begin with State's  
15 Exhibit No. 100, which you just were testifying to.

16 A. Yes, sir.

17 Q. And what was the date that you went back to the  
18 Walker home? Was that on the 21st of July, 2013?

19 A. Yes, sir. It was a Sunday.

20 Q. I thought you said '14. So, it is 2000 --

21 A. Yes, sir, July 21st, 2013.

22 Q. And the item right here, these are all items of  
23 clothing, correct (indicating)?

24 A. Yes, sir.

25 Q. And is that a closet that you had visually

1 looked in before?

2 A. Yes, sir, I did.

3 Q. And you didn't see anything at that time?

4 A. No, sir, I didn't.

5 Q. Now, from the 19th when Mr. Walker is stopped  
6 driving the Mercedes, he was in custody from that point  
7 forward, correct?

8 A. That is correct.

9 Q. And on the 19th Karen Walker and -- I'm going  
10 to refer to her as Ms. Collins. Okay?

11 A. Yes, sir.

12 Q. Clairette Collins, Ms. Collins. She also was  
13 taken downtown that particular evening, correct?

14 A. Yes, sir.

15 Q. And they were not released until sometime early  
16 the following morning, correct?

17 A. Yes, sir, when we returned her back to the  
18 residence.

19 Q. So, at the time, Mr. Walker, mother, and  
20 girlfriend were all in your presence at 1201 Travis  
21 until sometime the following day, the 20th, correct?

22 A. At 1200 Travis, yes, sir.

23 Q. And was it, then, the following day that  
24 Ms. Walker calls you and tells you she has discovered  
25 the firearm?

1 A. Yes, sir.

2 Q. And when you went there right afterwards on the  
3 19th, to the home, Mr. Walker's mother and Ms. Collins  
4 were all, essentially, in police custody, correct?

5 A. Ms. Collins and Karen were detained.

6 Q. Detained?

7 A. Yes, sir. And he was in custody.

8 Q. So that when you went there, going by what  
9 Mr. Walker said, you didn't find any firearm there and  
10 no one was there, correct?

11 A. Yes, sir.

12 Q. You were led to believe that a sister would be  
13 there, but she was not there, correct?

14 A. Yes, sir.

15 Q. And was she there when you returned on the  
16 21st?

17 A. No, sir. I believe just the mother was there.

18 Q. Now, you would agree with me that the scene at  
19 the parking lot was -- it was wet and muddy; would you  
20 agree?

21 A. It was damp. It had rained and there was dew  
22 on the grass.

23 Q. And there were puddles in --

24 A. Yes, sir, there were puddles.

25 Q. And the ground in the back of the parking lot

1 was muddy, correct?

2 A. Yes, sir. In this area, there was a slight  
3 amount of mud (indicating).

4 Q. And where I have my finger pointing, is that  
5 one of the lights that you were talking about that was  
6 on and off, correct (indicating)?

7 A. Yes, sir, that's the light.

8 Q. And in this particular instance, it is on?

9 A. Yes, sir.

10 Q. And can you see where I have my finger pointed,  
11 do you see a -- what appears to be a white object  
12 (indicating)?

13 A. Yes, sir.

14 Q. Did you see that white marking when you got to  
15 the scene?

16 A. Yes, sir. It was a piece of note pad that was  
17 folded in half to cover the -- well, to mark the shell  
18 casing.

19 Q. And could you tell immediately upon seeing it  
20 that that was a shotgun shell casing?

21 A. Yes, sir.

22 Q. So, you knew at that point you had at least  
23 some evidence of a shotgun being involved --

24 A. Yes, sir.

25 Q. -- possibly in this case?

1           A.    Yes, sir, that's correct.

2           Q.    You've indicated that you're somewhat familiar  
3 with this area having grown up there.  Let me show you  
4 what has been marked as State's Exhibit No. 52.  And  
5 would you agree with me if this is from the parking lot,  
6 that this would be Alameda Genoa and going up towards  
7 Cullen Boulevard, correct (indicating)?

8           A.    Correct.

9           Q.    And all of these lights are essentially in the  
10 Cullen Boulevard area where the strip centers and the  
11 gas stations that you've talked about are?

12          A.    Yes, sir.

13          Q.    And they provide additional lighting for the  
14 area, correct?

15          A.    Yes, sir.

16          Q.    And do you recall being at the scene and seeing  
17 a Mr. Doyle from the medical examiner's office taking  
18 the wallet from Mr. Williams' back pocket?

19          A.    Yes, sir.

20          Q.    And that was subsequently processed or held  
21 through the medical examiner's office?

22          A.    Correct.

23          Q.    And would you note where I'm pointing, it would  
24 appear that one of the belt loops has not been rung  
25 through the belt (indicating)?

1 A. Yes, sir.

2 Q. And I think you've noted, also, in your  
3 testimony that a button was missing from the man's  
4 pants?

5 A. Yes, sir.

6 Q. As well as the zipper being down?

7 A. Yes, sir.

8 Q. Would you agree with me that this might be one  
9 of the few remote locations near that convenience -- the  
10 game room show -- or game room store up at Cullen and  
11 Almeda Genoa?

12 A. Yes, sir.

13 Q. And about how far was this parking lot from  
14 Almeda Genoa?

15 A. In layman's terms, about a block away.

16 Q. Okay. And it's certainly not uncommon for a  
17 man to unzip his pants before urinating, correct?

18 A. It's possible, yes, sir.

19 Q. And you've noted that there was a cell phone  
20 that was missing from the casing. However, that cell  
21 phone was subsequently found in the Mercedes, correct?

22 A. The defendant had the cell phone that matched  
23 the clip.

24 Q. Right.

25 And has it been your experience that when



1 somebody might be using their cell phone in a car, maybe  
2 inappropriately, on multiple occasions frequently that  
3 they will have the cell phone in the console, on the  
4 passenger seat as they drive along?

5 MS. COLLINS: Objection. Speculating --  
6 speculation and relevance to this case.

7 THE COURT: Overruled. And honestly,  
8 everybody knows that.

9 Okay. Keep going.

10 Q. (By Mr. Wentz) Have you seen the diagram  
11 provided by CSU Officer Oliphant?

12 A. Yes, sir.

13 Q. And does that fairly and accurately represent  
14 the scene as you recall it to be?

15 A. Yes, sir, pretty much.

16 Q. And that particular evening, do you recall this  
17 light being on and functional and not flickering off and  
18 on (indicating)?

19 A. I believe that was -- I couldn't remember if it  
20 was on the church parking lot or if it was in  
21 Mr. Trejo's property line, but, yes, sir, there was  
22 another light in the background.

23 Q. And it was always on, correct?

24 A. Yes, sir.

25 Q. And this light was on as well, correct

1 (indicating)?

2 A. If --

3 Q. If that is the symbol for a light --

4 A. Okay. This square right here where it says  
5 "R.P.," is that the hall?

6 Q. Yes.

7 A. Okay. Yes, sir. Yes, sir, there was one in  
8 the front.

9 Q. From your investigation of the scene, you have  
10 no -- at that point, you had no evidence of the  
11 circumstances under which this man came to meet his --

12 THE REPORTER: I'm sorry. Circumstances  
13 under which this man came what?

14 Q. (By Mr. Wentz) From your investigation of this  
15 scene, you had no information as to the circumstances  
16 under which the shotgun was fired in this particular  
17 case, did you?

18 A. No, sir.

19 Q. You simply knew that a shotgun had caused that  
20 wound?

21 A. Yes, sir.

22 Q. And at that point, you had no evidence as to  
23 whether or not that gun was discharged in the course of  
24 taking that man's motor vehicle, did you?

25 A. No.

1 Q. And you had no evidence as to whether or not  
2 that man had been shot while in the course of taking his  
3 cell phone, did you?

4 A. No, sir.

5 Q. Did you subsequently learn in the course of  
6 your investigation that there was a plan to attempt to  
7 rob a game room that evening?

8 MS. COLLINS: Objection. Hearsay. Calls  
9 for hearsay.

10 THE COURT: Overruled.

11 You may answer if you know.

12 Q. (By Mr. Wentz) If you know, was there a plan to  
13 attempt to rob a game room that particular evening  
14 between Mr. Williams --

15 A. Yes.

16 Q. -- and the defendant?

17 A. Yes, sir.

18 Q. That attempted robbery was never carried out,  
19 correct?

20 A. Not to my knowledge, sir.

21 Q. And would you agree with me that discharging a  
22 firearm is an act clearly dangerous to human life?

23 A. Yes, sir.

24 Q. And would you agree with me that the gambling  
25 that you came to find Mr. Williams was involved in was

1 illegal?

2 MS. COLLINS: Objection to relevance, Your  
3 Honor.

4 THE COURT: Overruled.

5 You may answer.

6 A. Yes, sir.

7 Q. (By Mr. Wentz) You would agree that it would be  
8 considered illegal?

9 A. Gambling houses exist, but the activity that  
10 goes on, yes, it is illegal.

11 Q. And did you ever have occasion to have that  
12 wallet processed after it was taken to the medical  
13 examiner's office for fingerprints or DNA?

14 A. No, sir, I did not.

15 Q. Other evidence was subsequently submitted for  
16 DNA testing, correct?

17 A. Yes, sir.

18 Q. Namely, the firearm?

19 A. Yes, sir.

20 Q. After having had the car processed by Officer  
21 Holmes, did you have occasion to -- I'm sorry.

22 MR. WENTZ: May I approach, Your Honor?

23 THE COURT: Sure.

24 Q. (By Mr. Wentz) -- pursue the information found  
25 in a glove box or a console, namely, this information

1 relating to a game room?

2 A. No, sir.

3 Q. Is that the game room that is located in the  
4 vicinity of Alameda Genoa and Cullen?

5 A. I'm not sure, sir. The game room itself was  
6 unmarked.

7 Q. And was there another game room about a block  
8 down from that one as well on Cullen Boulevard?

9 A. Actually, sir, during our investigation, we  
10 only targeted two. One, I believe, was on Reed Road,  
11 and that one in the strip center, the target of the  
12 alleged robbery.

13 Q. Now, you've indicated that in the course of  
14 your investigation you interviewed several people;  
15 Mr. Trejo, Bruce Spiller, Ms. Watkins, Ms. Collins. Did  
16 you find some of them were untruthful to you?

17 A. The only one that I could question would be  
18 Mr. Spiller.

19 Q. And isn't it true that you actually had to  
20 confront him with facts that you knew about the case  
21 from your investigation to get him to cooperate?

22 A. Yes, sir, after the recording.

23 Q. And it was only then that he began to provide  
24 you with information that led you to go to the vicinity  
25 of Lockwood and the 2226 E-r-a-s-t-u-s Street?

1 A. Erastus, yes, sir.

2 Q. And he never has admitted his involvement in  
3 recruiting Mr. Walker at all, has he?

4 A. No, sir.

5 Q. Contrary to other information that you  
6 collected, correct?

7 A. Correct.

8 Q. Now, when you were talking with the prosecutor  
9 about the arrest, you've indicated that Mr. Spiller took  
10 you to a location in the Fifth Ward where this motor  
11 vehicle, the black Mercedes, was found, correct?

12 A. Correct.

13 Q. He seemed very certain of the directions that  
14 he was taking you to, correct?

15 A. Correct.

16 Q. They were all -- they all panned out. Where he  
17 told you to turn was the right turn to take, correct?

18 A. Correct.

19 Q. And he took you to the house where Mr. Walker,  
20 his mother, his sister, and Ms. Collins lived, correct?

21 A. If I can accurately answer, as we were  
22 approaching the area, he just points, he said: That's  
23 the car, that's the car. He led me to believe that he  
24 was focused on the car, not the residence.

25 Q. And didn't he indicate to you or didn't you

1 come to learn that he was familiar with that area  
2 because that is where he picked Ms. Collins up?

3 MS. COLLINS: Objection to hearsay, Your  
4 Honor.

5 THE COURT: Sustained.

6 Q. (By Mr. Wentz) What was your understanding of  
7 his familiarity with that area?

8 MS. COLLINS: Objection. Calls for  
9 hearsay, Your Honor. Any knowledge that he has would be  
10 based on what someone else told him.

11 THE COURT: Sustained.

12 Q. (By Mr. Wentz) Did he tell you why he was  
13 familiar with that area?

14 MS. COLLINS: Obj --

15 Q. (By Mr. Wentz) Just tell me whether or not he  
16 said --

17 MS. COLLINS: Objection to hearsay, Your  
18 Honor.

19 MR. WENTZ: I just want to know whether or  
20 not he said why he was familiar.

21 THE COURT: Overruled.

22 You may answer that question "yes" or "no."

23 A. Yes.

24 Q. (By Mr. Wentz) And that was based on  
25 familiarity with people involved in the case, correct?

1 MS. COLLINS: Objection. Hearsay.

2 THE COURT: Not that it really matters,  
3 frankly. Why does it matter? Why is it relevant?

4 MR. WENTZ: As to the subsequent  
5 communications that are going to be part of this  
6 hearing -- trial that we're having because these get to  
7 the cell phone records that we're going to be talking  
8 about very shortly.

9 THE COURT: Well, we're not going to be  
10 talking about them today, but whether he's familiar with  
11 the area, how would that have anything to do with the  
12 cell phone records? We're talking about Bruce, right?

13 MR. WENTZ: Yes.

14 Q. (By Mr. Wentz) Did he indicate that he  
15 communicated with Ms. Collins and -- or did she indicate  
16 that she communicated with Bruce and Mr. Williams?

17 MS. COLLINS: Objection to hearsay, Your  
18 Honor. The records would speak for themselves.

19 THE COURT: Sustained.

20 Q. (By Mr. Wentz) Did you get Mr. -- Ms. Collins'  
21 cell phone number?

22 A. The number itself, yes, sir.

23 Q. Did you get Mr. Spiller's cell phone number?

24 A. He provided it, sir.

25 Q. And can you tell that to us?



1 A. Mr. Spiller's number?

2 Q. Yes.

3 A. 832-816-1014.

4 Q. Upon seeing the black Mercedes, you then called  
5 for assistance in the case and Officer Jacobs met you at  
6 the corner of Lockwood and Mulvey, correct?

7 A. I believe so, yes, sir.

8 Q. And at that point, you indicated your interest  
9 in the car and why you wanted to have him set up on it,  
10 correct?

11 A. Correct.

12 Q. And you advised him that this had to do with a  
13 homicide investigation?

14 A. Yes, sir.

15 Q. And that he then stopped the motor vehicle upon  
16 it rolling?

17 A. Yes, sir.

18 Q. Which was pursuant to your approval, correct?

19 A. Correct.

20 Q. You didn't want the car to get away, correct?

21 A. That's correct.

22 Q. And at that point, he subsequently stopped the  
23 car without -- without incident?

24 A. Yes, sir.

25 Q. And other units subsequently arrived on the

1 scene, I think you --

2 A. Yes, sir.

3 Q. Okay. And it's at that point that you obtain  
4 two cell phones, one obtained from the driver  
5 Mr. Walker, and one obtained from his mother, correct?

6 A. Correct.

7 Q. And the one that he had in his hands was the  
8 one that was Mr. Williams', if I'm not mistaken?

9 A. Correct.

10 Q. The other one remained in the motor vehicle?

11 A. Yes, sir.

12 Q. And that is where Officer Holmes found it at  
13 the Dart unit the following day, if I'm not mistaken?

14 A. Yes, sir.

15 Q. And the time of the stop of Mr. Walker on the  
16 19th, that was approximately 7:23 p.m.? I think it's on  
17 Page 26.

18 A. I'm not sure.

19 Q. Page 26 second paragraph -- first paragraph,  
20 third line. You may have it --

21 A. You mean Supplement 26?

22 Q. No. I'm --

23 MR. WENTZ: May I approach, Your Honor? I  
24 can --

25 THE COURT: Okay.

1 A. Oh, okay. Yes, sir.

2 Q. (By Mr. Wentz) Approximately 7 --

3 A. Yes, sir.

4 Q. And from that point on, Mr. Walker remained in  
5 custody, correct?

6 A. That is correct.

7 Q. And at that point, he is then taken from the  
8 location by Officer Jacobs to 1200 -- 1200 Travis where  
9 he remained until you interviewed him in the early  
10 morning hours of the following day?

11 A. Yes, sir.

12 Q. And that is the statement that we've heard  
13 today?

14 A. Correct.

15 Q. Now, in talking with us, at that point if --  
16 your statement began at approximately 1:43; would you  
17 agree?

18 A. Yes, sir, 1:43 and it ended at 2:17.

19 Q. So, he was in custody for about, what, five  
20 hours, let's say? You tell me.

21 A. About seven hours.

22 Q. And you had made the conscience decision to let  
23 him be alone in the interview room?

24 A. Yes, sir.

25 Q. Now, as we saw in the statement, he is sitting

1 at a table. There are certainly papers on the table  
2 there, there's a card on the table, there's a cup of  
3 water for him. Had you talked to him or had somebody  
4 talked to him prior to entering for the purpose of the  
5 video statement?

6 A. My partner had already -- well, my partner  
7 asked him if he needed to use the restroom or if he  
8 wanted anything to drink. He only requested coffee.  
9 So, we -- we got him some coffee. And then I did let  
10 him know that his mother and Clairette were there at the  
11 office. Then we would check on him, we wouldn't ask him  
12 any questions. When we were ready to interview the  
13 defendant, I walked in and asked him if he was willing  
14 to talk to me and give me his side of the story. That's  
15 all I asked him. I didn't ask him any questions  
16 regarding the case. When he --

17 Q. Do you know --

18 A. When he agreed to, that's when I left the case  
19 file information and my cell phone on the desk, went to  
20 my desk, turned on the recorder, the digital recorder,  
21 and returned to the interview room with my partner.

22 Q. Prior to that, do you know if anyone else had  
23 interviewed him or spoken to him while at 1200 Travis?

24 A. No, sir. My partner and I interviewed  
25 Miss Clairette. After that, I interviewed Miss Karen

1 while my partner obtained the second statement from  
2 Clairette. And then once all of those three statements  
3 were completed, then we decided to go ahead and talk to  
4 the defendant.

5 Q. Now, we've all seen the statement this  
6 afternoon and we've heard the rights being given to him  
7 and him responding. Did you at any time ask him to  
8 explain what any of those rights meant?

9 A. No, sir.

10 Q. Did you ever explain to him what they might  
11 have meant within the context of a criminal trial?

12 A. No, sir.

13 Q. Did you ever explain to him that he was being  
14 held for a capital murder case?

15 A. At the scene I explained to him that I needed  
16 to talk to him, if he was willing to, regarding the dead  
17 man's car.

18 Q. Okay. And that's as far as you explained the  
19 nature of the case?

20 A. Yes, sir.

21 Q. But you didn't talk to him about it being a  
22 case that would carry the possibility of death or the  
23 possibility of life without parole?

24 A. No, sir.

25 Q. You didn't tell him what a capital murder case

1 meant for legal purposes, did you?

2 A. No, sir.

3 Q. No one else did, either, to your knowledge,  
4 correct?

5 A. That is correct.

6 Q. In the course of the statement, he never said  
7 that he intentionally wanted to kill Mr. Williams, did  
8 he?

9 A. He didn't come out and admit it, no.

10 Q. And in the statement, there's no indication  
11 that he shot Mr. Williams while in the course of taking  
12 that car from him, is there?

13 A. No, sir. He shot him before he took the car.

14 Q. And there is every indication, from what you  
15 know of Mr. Walker, where he lives and where this crime  
16 happened, that he was not familiar with the south part  
17 of town where this shooting occurred, correct?

18 A. I can only base that on what he told me.  
19 There's nothing that I can do to verify that he wasn't  
20 familiar with the area.

21 Q. From what you know in your investigation, the  
22 only familiarity he had with this area is when  
23 Mr. Williams took him to this area, correct?

24 MS. COLLINS: Objection. Asked and  
25 answered.

1 THE COURT: Sustained.

2 Q. (By Mr. Wentz) You've talked about the size of  
3 the gun and expecting to find physical evidence of an  
4 incriminating nature. Isn't it true that gunshot  
5 residue evidence was found on the driver's visor?

6 A. Of an insignificant amount, sir.

7 Q. But was gunshot residue particles found on the  
8 driver's visor?

9 A. If I can refer to the lab report.

10 No particles confirmed as having a  
11 composition characteristic with GSR were detected on  
12 Item 1, sample labeled driver's side headliner.

13 Q. I said visor.

14 MR. WENTZ: May I approach the witness,  
15 Your Honor?

16 THE COURT: Yes.

17 Q. (By Mr. Wentz) Is this the same? First  
18 sentence (indicating)?

19 A. Yes, sir. It says: Item 1, sample labeled  
20 driver's side visor.

21 Q. And two particles of gunshot residue were found  
22 on the driver visor, correct?

23 A. But if I can -- also, at the very last sentence  
24 of that paragraph it states: The results of this  
25 examination are termed inconclusive.

1 Q. But you recall talking to the prosecutor and  
2 saying that there was no evidence of the weapon being  
3 fired in the manner described by Mr. Walker. There is.  
4 Gunshot residue was found on the driver's visor.

5 A. That's not the way I interpret this, sir.

6 Q. Whether or not it's conclusive or not, I'm not  
7 asking you. I'm asking you: No. 1, sample labeled  
8 driver's side visor, had two particles confirmed to have  
9 a characteristic of GSR --

10 MS. COLLINS: Objection. Asked and  
11 answered.

12 THE COURT: Sustained.

13 Q. (By Mr. Wentz) You're also aware that gunshot  
14 residue was found on the left and right hand of  
15 Mr. Williams, correct?

16 A. That's obvious, sir, because the projectile  
17 struck him.

18 Q. But you indicated that no evidence of the  
19 gunshot described by Mr. Walker was found when, in fact,  
20 it was, it simply wasn't conclusive.

21 A. In the vehicle, sir.

22 Q. And it was also on Mr. Williams' hands,  
23 correct?

24 MS. COLLINS: Objection. Asked and  
25 answered, Your Honor.



1 THE COURT: Sustained.

2 Q. (By Mr. Wentz) And on the 20th you had charges  
3 accepted on capital murder; is that correct?

4 A. Correct.

5 Q. You are the person who formulated the affidavit  
6 that supports the search warrant of Mr. Walker's phone.  
7 Do you have a copy of your affidavit there?

8 A. Yes, sir, I do.

9 Q. On Page 2 of the affidavit, the first  
10 paragraph, the third line, you base part of your  
11 affidavit on what a Ms. Tanika Watkins told you. Would  
12 you agree?

13 A. Page 2?

14 Q. Yes.

15 A. Paragraph -- which one?

16 MR. WENTZ: May I approach?

17 THE COURT: Okay.

18 A. Yes, sir.

19 Q. (By Mr. Wentz) At no point in your affidavit do  
20 you describe her as a credible witness, do you?

21 A. Ms. Watkins?

22 Q. Yes.

23 A. No --

24 Q. In your --

25 A. No, sir, I don't describe anyone as a credible

1 or incredible witness.

2 Q. And this is all based on hearsay from her,  
3 correct? I'm talking about the first paragraph, third  
4 line.

5 A. Yes, sir, but she also did meet the defendant  
6 at one time.

7 Q. And as to the next paragraph, the first  
8 sentence or two, you refer to a Mr. Bruce Spiller. That  
9 is all hearsay for Mr. Spiller, correct?

10 A. Yes, sir.

11 Q. And at no point do you say that he is credible,  
12 do you?

13 A. No, sir.

14 Q. In fact, you knew that he wasn't from your own  
15 personal experience in this case, correct?

16 A. He didn't lie to me. He just didn't make any  
17 admissions to me.

18 Q. And he didn't tell you the complete truth,  
19 either, did he?

20 MS. COLLINS: Objection. Speculation.

21 THE COURT: Sustained.

22 Q. (By Mr. Wentz) Did you run Mr. Spiller's  
23 criminal history?

24 A. Yes, sir. All the criminal histories were  
25 provided in the investigation.

1 Q. And he was never arrested in this case, was he?

2 A. No, sir. There was only one arrest made.

3 Q. And later on you indicate that Mr. Spiller  
4 identifies the Mercedes as well as Mr. Walker; is that  
5 correct?

6 A. I know he identifies the Mercedes, but I don't  
7 think I put --

8 THE REPORTER: You don't think what?

9 THE WITNESS: I don't think that I put in  
10 here that he identified...

11 Q. (By Mr. Wentz) The third paragraph, third line,  
12 said that the male driving the Mercedes-Benz looked like  
13 Tim.

14 A. I'm trying to find that, sir.

15 Q. Third new paragraph, third line, paragraph  
16 begins: Affiant drove. And we say -- and said that the  
17 male driving in the Mercedes-Benz looked like, quotation  
18 marks, "Tim"?

19 A. Oh, yes, sir.

20 Q. And that is a name that Mr. Walker was  
21 supposedly known by?

22 A. Correct.

23 Q. And you state that in the following paragraph  
24 on the second line: Admitted his involvement in the  
25 complainant's capital murder.

1                   He never said that he was involved in a  
2 capital murder. That's your conclusion, isn't it?

3           A.    The offense was capital murder and he did admit  
4 his involvement in that incident.

5           Q.    He admitted his involvement in shooting  
6 Mr. Williams and subsequently taking his car. That's  
7 not capital murder, is it?

8           A.    He was charged with capital murder --

9                   THE COURT: That's for the Court to decide,  
10 not the officer.

11          Q.    (By Mr. Wentz) Are you aware that two  
12 individuals' DNA was found on the shotgun?

13          A.    I don't remember, sir.

14          Q.    And I think you've indicated --

15                   MR. WENTZ: May I approach, Your Honor?

16                   THE COURT: Okay.

17          Q.    (By Mr. Wentz) Let me show you what is marked  
18 as a stipulation of evidence. If you -- and number  
19 1 (indicating).

20          A.    Yes, sir. I believe it's quoting this section  
21 right here (indicating).

22          Q.    And a follow-up DNA testing for Y-STR produced  
23 the same result?

24          A.    Yes, sir.

25          Q.    From your investigation, did you find that

1 Mr. Williams was in debt and was expressing a need for  
2 money?

3 MS. COLLINS: Objection. Based on hearsay.

4 THE COURT: Overruled. You can answer if  
5 you know.

6 A. Yes, sir, he was in debt.

7 Q. (By Mr. Wentz) And that was the motivation for  
8 the game room robberies that he planned?

9 MS. COLLINS: Objection. Based on hearsay.

10 THE COURT: Sustained.

11 MR. WENTZ: We'll pass the witness, Your  
12 Honor.

13 THE COURT: Ms. Collins.

14 MS. COLLINS: Very brief, Your Honor.

15 **REDIRECT EXAMINATION**

16 **BY MS. COLLINS:**

17 Q. There's been a lot of talk about game rooms,  
18 legality of them, and so on. Did you look into any and  
19 all game rooms you could locate around the scene of  
20 Calvary Hill Baptist Church?

21 A. I looked into the game rooms that he  
22 frequented, ma'am.

23 Q. Okay. Specifically, did you go to two game  
24 rooms that were near the crime scene?

25 A. I remember going to one, the one in the strip

1 center. I showed his photograph, the decedent's  
2 photograph. And I also remember going to the one, I  
3 believe, on Reed Road. There was no sense in targeting  
4 game rooms that he didn't frequent because he wouldn't  
5 know the layout.

6 Q. When you went to those game rooms, were you  
7 able to actually find anybody who recognized the photo  
8 that you had of Gerald Williams?

9 A. No, ma'am, we didn't.

10 Q. Now, specifically -- let me ask you this: When  
11 you finally pull over the defendant in the vehicle, did  
12 you notice child seats in the vehicle?

13 A. Yes, ma'am, there were two in the back.

14 Q. To your knowledge, did Gerald Williams have any  
15 small children?

16 A. No, ma'am.

17 Q. In fact, did you -- was a request placed to you  
18 to return those children's seats?

19 A. Yes, ma'am, we did. We gave them to  
20 Miss Karen.

21 Q. Specifically showing you State's Exhibit  
22 No. 18. Are these the two children's seats that were in  
23 the vehicle (indicating)?

24 A. Yes, ma'am.

25 Q. And who did you release those to?

1 A. Miss Karen.

2 Q. And why do you release items to people?

3 A. To return the property that wasn't -- that  
4 didn't belong to the decedent.

5 Q. Was it your understanding that, in fact, these  
6 children's seats belonged to the defendant, the  
7 defendant's mother?

8 A. Yes.

9 Q. Now, when you go to a crime scene -- and  
10 specifically in this one, when you are assigned -- you  
11 said Avila does the interviews, you're doing the crime  
12 scene -- do you make sure to look everywhere you can  
13 think of within that area?

14 A. Yes, ma'am.

15 Q. Showing you State's Exhibit No. 54. Other than  
16 the one casing that was a 20-gauge -- correct?

17 A. Yes.

18 Q. And to be clear, 20-gauge casing would fit  
19 inside of this type of shotgun, correct (indicating)?

20 A. Yes, ma'am.

21 Q. Other than that one single shotgun casing, did  
22 you find any other evidence of a firearm being shot for  
23 a second, third, or fourth time?

24 A. No, ma'am.

25 MS. COLLINS: Pass the witness, Your Honor.

1 THE COURT: Mr. Wentz.

2 MR. WENTZ: I have no further questions of  
3 Officer Sosa. However, we would request that he allow  
4 Officer Avila to bring the original consent --  
5 or original Miranda warnings to court with him.

6 THE COURT: If you'd make sure he can have  
7 access to the original file, I would appreciate it.

8 THE WITNESS: Yes, sir.

9 THE COURT: All right. You may step down.

10 THE WITNESS: Thank you, sir.

11 THE COURT: All right. See you-all  
12 tomorrow.

13 MR. WENTZ: Your Honor, for the purpose of  
14 the hearing portion of what we're doing this afternoon,  
15 I have Defendant's Exhibit No. 1, which is a Harris  
16 County District Clerk criminal printout of a certificate  
17 of disposition for a Bruce Spiller. It is a certified  
18 public record.

19 **(Defense Exhibit No. 1 Offered)**

20 THE COURT: Okay. Do you want to show it  
21 for her?

22 MS. COLLINS: I assume that's for purposes  
23 of the search warrant. For purposes of the hearing, I  
24 wouldn't have any objection to that.

25 THE COURT: Okay. All right. Defense 1 is



1 admitted.

2                   You're free to go, sir.

3                   **(Defense Exhibit No. 1 Admitted For Hearing**  
4                   **Purposes Only)**

5                   THE WITNESS: If I may, am I free to travel  
6 to Arizona tomorrow and return?

7                   THE COURT: Have fun.

8                   THE WITNESS: Thank you, sir.

9                   (Proceedings recessed)

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**REPORTER'S CERTIFICATE**

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THE STATE OF TEXAS )  
COUNTY OF HARRIS )

I, Toni Goubeaud, Official Court Reporter in and for the 351st District Court of Harris County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of evidence and other proceedings requested in writing by counsel for the parties to be included in this volume of the Reporter's Record, in the above-styled and numbered cause, all of which occurred in open court or in chambers and were reported by me.

I further certify that this Reporter's Record of the proceedings truly and correctly reflects the exhibits, if any, admitted by the respective parties.

WITNESS MY OFFICIAL HAND this the 18th day of August, 2015.

/s/ Toni Goubeaud  
Toni Goubeaud, Texas CSR 5774  
Expiration Date: 12/31/2015  
Official Court Reporter  
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