

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

3 THE COURT: All right, from the State.

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

6 DIRECT EXAMINATION

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

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

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

13 A. 11 years.

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

17 A. Yes, sir.

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

21 A. Yes, sir.

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

24 A. Yes, sir.

25 Q. Tell the jury just briefly what type of

1 assignments you've held as a police officer for the
2 Houston Police Department.

3 A. I was a patrol officer at the northeast
4 station off of Ley Road for approximately two years.
5 During the city's downsizing of employee services,
6 they got rid of the jailers. I went to work at the
7 jail for a year and nine months. I returned back to
8 patrol for about two years. Then I went to the crime
9 scene unit for three years. And now I'm back in
10 patrol again.

11 Q. What years were you working as a crime
12 scene unit officer?

13 A. From 2009 to 2012.

14 Q. And as a crime scene officer, did you
15 obtain additional training and experience on how to
16 document a crime scene?

17 A. Yes, sir.

18 Q. Have you documented homicide scenes on few
19 or many occasions?

20 A. Many.

21 Q. Can you tell the jury, as a crime scene
22 officer, where you're located in the city?

23 A. At the time we were at 1200 Travis on the
24 24th floor. They've since moved. They're still on
25 Travis, but they're now on the 12th floor.

1 Q. And when we're talking about at the time,
2 we're talking about the year 2012?

3 A. Yes, sir.

4 Q. In 2012 what shift were you working?

5 A. Night shift.

6 Q. What time did that come on?

7 A. 11:00 p.m. till 7:00 a.m.

8 Q. How would you be dispatched to a crime
9 scene?

10 A. Homicide, which is also located at 1200
11 Travis on the sixth floor, would call us if our
12 services were needed.

13 Q. And if your services were needed, how would
14 you get there?

15 A. We had a vehicle assigned to the crime
16 scene unit.

17 Q. Can you tell us: On June 8th, 2012, did
18 you receive a call from homicide?

19 A. Yes, sir.

20 Q. Can you tell the jury approximately what
21 time you received that call?

22 A. I believe it was about 20 minutes till 1:00
23 in the morning.

24 Q. And is that on June 8th, 2012?

25 A. That's correct.

1 Q. So, that would be early morning hours of
2 June 8th, 2012?

3 A. Yes, sir.

4 Q. Where were you when you received that call?

5 A. I believe I was at 1200 Travis.

6 Q. And what did you do when you got the call?

7 A. I loaded up my gear into the truck and
8 headed to the scene.

9 Q. What scene were you dispatched in reference
10 to?

11 A. A murder on -- at 5126 Van Fleet.

12 Q. Can you tell the jury kind of basically
13 where Van Fleet Street is in relation to where you
14 were located downtown Houston?

15 A. Southwest is all I can generalize.

16 Q. And is it a location in Harris County,
17 Texas?

18 A. Yes, sir.

19 Q. And is it technically within the city
20 limits of Houston?

21 A. Yes, sir.

22 Q. Can you tell the jury what time you were
23 able to arrive at that location?

24 A. I believe I arrived there very shortly
25 afterwards. I received the call about 20 minutes

1 till 1:00, and I arrived at about 10 minutes till
2 1:00.

3 Q. And are you referring to some notes that
4 you made in reference to this case?

5 A. Yes, sir.

6 Q. Are those documented in an offense report?

7 A. Yes, sir.

8 Q. In referring to your notes, do you still
9 remember this scene?

10 A. Yes, sir.

11 Q. It was a couple years ago.

12 A. Yes, sir, I do.

13 Q. Can you tell us what you remember seeing
14 when you first arrived at the location?

15 A. I just remember the officers out front
16 securing the crime scene, a single story house on the
17 south side of the street. Front door faced out
18 north. And then a pair of shoes outside the door.

19 Q. When you arrived was the crime scene secure
20 or did you have to do anything to secure the crime
21 scene?

22 A. The officers had already secured it, sir.

23 Q. So, when a crime scene is secured, what are
24 we talking about?

25 A. The area is closed off so there is no

1 access to other people, mainly civilians or other
2 officers. And it's secure in the sense that nothing
3 else is going to get contaminated until the
4 investigation is done.

5 Q. And do officers maintain the perimeter
6 while you're conducting your investigation?

7 A. Yes, sir.

8 Q. Now, can you tell us specifically what
9 location was your crime scene?

10 A. The house itself?

11 Q. Yes, sir.

12 A. Well, like I said, it was 5126 Van Fleet.
13 The primary scene was inside the residence where the
14 man's body was. And then there was also some
15 evidence in the back. I believe it was the southeast
16 corner of the house of as well.

17 Q. Was there another house that you also
18 documented some crime scene evidence at that night?

19 THE COURT: Yes, sir, two doors down.

20 Q. (BY MR. PENEHUY) Where was that located?

21 A. I don't remember the exact address, if
22 you'll pardon me, but if you're looking at the house
23 that I just described to you, it's the second house
24 to the right.

25 Q. Okay. And would that be -- if you're

1 looking at 5126 Van Fleet Street, you're facing
2 north, south, east, or west?

3 A. If I'm looking at the house itself?

4 Q. Yes, sir.

5 A. If I'm looking at the house itself, I'm
6 facing south.

7 Q. If it's facing south, to what direction is
8 the house located? To the left or right?

9 A. The second house is to the right, which
10 would have been on the west.

11 Q. So, west of this 5126 location?

12 A. Yes, sir.

13 Q. And at that house were you documenting
14 anything inside the house, or were you just
15 documenting things outside the house?

16 A. Two items outside the house.

17 Q. Can you describe generally the type of
18 residence located at 5126 Van Fleet Street?

19 A. Older house, single story. Given the
20 condition it was in when I got there, which was
21 extremely bloody, the house was fairly unkempt
22 itself, not very clean.

23 Q. When you arrived, what kind of steps do you
24 take to be able to document a crime scene?

25 A. Generally I get with the first officer,

1 primary officer on the scene because they're going to
2 be the ones that saw what happened or at least have
3 an idea what happened when the crime's initially
4 reported. That officer and sometimes additional
5 officers in some cases can give me a walk-through of
6 where I need to focus my investigation. And together
7 we can also look and make sure nothing else has been
8 overlooked by him when he first arrived there.

9 Q. Okay. What else do you do after you talk
10 and you've kind of gotten a walk through?

11 A. Then we begin to process that scene. That
12 includes noting where all the evidence is, putting
13 those markers down, the numbered markers that you're
14 familiar with on TV that document the evidence. We
15 photograph the scene. We videotape the scene. We do
16 a scene -- we do a scene measurement so that we can
17 complete a diagram of the scene later on.

18 Q. And were you primarily responsible for
19 documenting the crime scene at that location?

20 A. Yes, sir.

21 Q. While you're documenting the crime scene,
22 you said you take photographs. What kind of camera?

23 A. It was a Canon 35-millimeter, digital.

24 Q. Do you just take photos, or do you also
25 take video?

1 A. Videos, as well.

2 Q. What type of videos do you take?

3 A. It was a little 80 millimeter cassette,
4 brand new.

5 Q. And when processing through that scene, do
6 you try to capture everything that you think might be
7 relevant evidence in the case?

8 A. Yes, sir.

9 Q. Later on -- you said you also take
10 measurements. Later on, when you got back to the
11 office, did you create a scene diagram in this case?

12 A. Yes, sir, I did.

13 MR. PENEГУY: Judge, may I approach
14 the witness?

15 THE COURT: You may.

16 Q. (BY MR. PENEГУY) Show you for
17 identification purposes what has been marked State's
18 Exhibit No. 8.

19 A. Yes, sir.

20 Q. State's Exhibit No. 10?

21 A. Yes, sir.

22 Q. State's Exhibit No. 11 through 95?

23 A. Yes, sir.

24 Q. Prior to testifying today, have you had an
25 opportunity to review these items?

1 A. Yes, sir.

2 Q. And prior to testifying today, have you had
3 an opportunity to look through all of State's
4 exhibits, 11 through 95?

5 A. Yes, sir.

6 Q. Okay. What is State's Exhibit No. 8?

7 A. That would be the DVD from the video --

8 Q. No. Number 8.

9 A. Oh, I'm sorry. That's the actual diagram
10 that I constructed once I got back to the office.

11 Q. Okay. Is this just a copy of it?

12 A. Yes.

13 Q. What is State's Exhibit No. 10?

14 A. The scene video.

15 Q. And does that video -- is it made on a
16 device capable of making an accurate recording?

17 A. Yes.

18 Q. Does it fairly and accurately depict how
19 you the saw the crime scene?

20 A. Yes, sir.

21 Q. State's Exhibits 11 all the way through 95,
22 are these photographs?

23 A. Yes.

24 Q. Do they fairly and accurately depict how
25 the crime scene appeared?

1 A. Yes, sir.

2 MR. PENEGUY: Judge, at this time we
3 would offer 8, 10, 11 through 95. And tender to
4 defense counsel.

5 THE COURT: 95 you said?

6 MR. PENEGUY: Yes, sir.

7 THE COURT: Tell me the exhibit
8 numbers. I've got 8, 10, 11, and 95.

9 MR. PENEGUY: Yes, sir, 8, 10 --

10 THE COURT: 8 is one picture?

11 MR. PENEGUY: Yes, sir.

12 THE COURT: Is 10 one video?

13 MR. PENEGUY: Yes, sir.

14 THE COURT: And is 11 one picture?

15 MR. PENEGUY: 11 through 95 are all
16 pictures.

17 THE COURT: 11 through 95.

18 MR. PENEGUY: Yes, sir.

19 THE COURT: Mr. Scott, have you not
20 seen them before?

21 MR. SCOTT: Not all of them, Judge, I
22 recall. The majority of them, yes, sir.

23 (Pause.)

24 MR. SCOTT: May we approach, your
25 Honor?

1 THE COURT: You may.

2 (At the Bench.)

3 THE COURT: Yes, sir.

4 MR. SCOTT: We would object to State's
5 Exhibit No. 37 in that it's more inflammatory and
6 prejudicial than it is probative in relation to the
7 scene. There is also another photograph that shows
8 basically the same thing. And I guess I somehow have
9 kept it --

10 THE COURT: You need to show that to
11 me.

12 MR. SCOTT: 35 and also 34.

13 MR. PENEГУY: Judge, what is --

14 MR. SCOTT: 35 and 37 are essentially
15 the same thing, and 34 also covers part of the same
16 thing, Judge.

17 THE COURT: 37 doesn't even -- how is
18 that the same thing?

19 MR. SCOTT: These are the same thing,
20 and that one is prejudicial and inflammatory. No
21 probative value.

22 THE COURT: 37 will be overruled.

23 34 and 35 look like the same thing.
24 What is the difference?

25 MR. PENEГУY: Judge, I can't see. I'm

1 sorry. For us they are different angles on the
2 stereo system, and it's important to show the
3 positioning of the complainant's feet.

4 *THE COURT:* It's overruled.

5 What else, Mr. Scott?

6 *MR. SCOTT:* That's all.

7 *THE COURT:* So you have no objection
8 to the rest?

9 *MR. SCOTT:* To the diagram nor to the
10 video.

11 *(In open court.)*

12 *THE COURT:* State's 8 is admitted,
13 State's 10 admitted, and State's 11 through 95 are
14 admitted.

15 All right. Ladies and gentlemen,
16 we're going to recess for today. Please remember the
17 admonishment not to go home today and discuss the
18 case with family and friends. Don't look up anything
19 on the internet, things of that nature. I ask you
20 all to be back here in the morning at 9:30. If you
21 take the bus, you can get a free bus pass. You can
22 drive. You can walk. But be back up in the jury
23 room at 9:30. Once all 13 of you are here, buzz us
24 to let us know you are here and we'll get back
25 started.

1 I suggest strongly that you get here
2 at about 9:00 in front of the courthouse door.
3 You've got to go through the security system
4 yourself, then you've got to wait on the elevators to
5 get up to the 15th floor. We don't have enough
6 elevators to accommodate everyone. So there is a
7 wait. So, if you're here by 9:00 o'clock, you should
8 have no trouble coming up and coming directly to the
9 jury room so that we can get started promptly at
10 9:30. With that, we'll send you to recess. See you
11 all in the morning.

12 (Jury leaves courtroom.)
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