

1 State call officer Tovar.

2 THE BAILIFF: Your Honor, this
3 witness has not been sworn.

4 THE COURT: Raise your right hand,
5 please.

6 (Witness sworn.)

7 THE COURT: Let's proceed.

8 **NAT TOVAR,**

9 having been first duly sworn, testified as follows:

10 **DIRECT EXAMINATION**

11 **BY MR. MULDROW:**

12 Q. Can you introduce yourself to the ladies
13 and gentlemen of the jury?

14 A. Yes. My name is -- I'm Officer Nat
15 Tovar. I work for the Houston Police Department.
16 I've been on about 18 years approximately. I'm in
17 Patrol, patrol officer out of the northeast.

18 Q. And you've been on patrol your entire 18
19 years?

20 A. That's correct, yes, sir.

21 Q. What are your duties as a patrol
22 officer?

23 A. Run calls for service.

24 Q. On May 26th, 2011, were you dispatched
25 to a call on Orleans Street?

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

2 Q. What kind of call was it?

3 A. It dropped as a cutting in progress
4 call.

5 Q. And is that residence in Harris County,
6 Texas?

7 A. That's correct.

8 Q. Were you riding with anyone that day?

9 A. Yes, sir.

10 Q. Who were you riding with?

11 A. I was riding with Officer Murphy.

12 Q. Do you normally ride with him?

13 A. No, sir. We just ride every once in a
14 while.

15 Q. As part of being a patrol officer, are
16 you dispatched to homicide cases?

17 A. That's correct.

18 Q. Do you go through a procedure that you
19 go through when you're dispatched to a case like
20 that?

21 A. Pretty much just go to the call, analyze
22 the scene, secure it and make sure everything is
23 secured and wait for the investigators to get out
24 there.

25 Q. Have you ever received training in how

1 to handle a homicide call?

2 A. Yes, sir.

3 Q. As part of a homicide call, do you
4 yourself conduct any witness interviews or gather
5 any evidence or anything like that?

6 A. We briefly try to at least separate them
7 and see -- you know, maybe get a brief statement
8 until the investigators get there to actually do a
9 detailed statement.

10 Q. When you arrived at that scene, can you
11 describe for us what you saw?

12 A. When we arrived, we pulled up. We got
13 dispatched at about 11:00 o'clock, approximately
14 11:00. I saw HFD was already on the scene. They
15 had just pulled up. We exited our vehicles, me and
16 my partner. The suspect came out from the side
17 driveway. It had a little -- it was dark -- it was
18 lit up, but on the side of it it was pretty dark.
19 He comes out with his hands up. We told him to get
20 on the ground. He gets on the ground and my partner
21 cuffs him and I follow HFD inside the house from the
22 rear, secure the scene. HFD then went to the victim
23 at the time.

24 Q. Okay. That was a lot of information
25 there. Can you describe the lighting for the scene

1 when you arrived there?

2 A. It was not much lighting at all being it
3 was 11:00 o'clock at night. There was some lights
4 on, but on the outside it was not well lit.

5 Q. You stated that when you arrived the
6 defendant came out from the side, I believe; is that
7 correct?

8 A. That's correct. There was a driveway on
9 the left side, and he was walking toward us at the
10 time when we exited our vehicles.

11 Q. Okay. Did you say that he had his hands
12 up?

13 A. Yes, sir.

14 Q. Can you describe what he looked like?

15 A. Just what I can remember, just a
16 Hispanic male walking out with his hands up.

17 MR. MULDROW: Your Honor, may I
18 approach the witness?

19 THE COURT: You may.

20 Q. (By Mr. Muldrow) Did he have any blood
21 on him at the time?

22 A. It appeared that he did -- that he did
23 have on his shirt some type of what appeared to be
24 blood, yes. Whether it was his or not, I don't
25 know.

1 Q. I'm going to show you State's Exhibit
2 No. 84. Is that the defendant as you saw him on
3 that day?

4 A. That's correct.

5 Q. And do you see the defendant sitting
6 here in the courtroom today?

7 A. Yes.

8 Q. Can you tell me where he's sitting and
9 what he's wearing?

10 A. Right there sitting, black suit
11 (indicating).

12 Q. Does he have headphones on?

13 A. That's correct.

14 MR. MULDROW: Your Honor, at this
15 time I'd ask that the record reflect that the
16 witness has identified the defendant.

17 THE COURT: The record will so
18 reflect.

19 Q. (By Mr. Muldrow) You say that he came
20 out from the side and he had his hands up and he had
21 some blood on his clothes. Did he say anything at
22 that point?

23 A. No, sir. He didn't say anything.

24 Q. Okay. You said that HFD had arrived on
25 the scene?

1 A. That's correct.

2 Q. Were they there before you?

3 A. Yes, they pulled up before us because
4 the pumper was already at the scene where we were
5 pulling up.

6 Q. When he came out with his hands up, what
7 did you do?

8 A. We told him to get on the ground which
9 he did.

10 Q. And after he got on the ground, what did
11 you do next?

12 A. My partner cuffed him, secured him.

13 Q. After he was cuffed and secured, where
14 did y'all -- did you put him in a car? Where did
15 you --

16 A. Well, at that point we didn't know what
17 was -- we didn't know what was really going on at
18 the time. We just got minimal information, and we
19 approached him, cuffed him. We didn't know if there
20 was another threat. We were just trying to
21 eliminate everything, trying to secure it. My
22 partner grabbed him, cuffed him, picked him up and
23 then I followed HFD in to make sure they were okay
24 and they were still securing. Nothing else was
25 going on there.

1 Q. When you entered the residence, will you
2 describe for us what you saw?

3 A. We entered -- I entered the back of the
4 house. There was an entrance in the back, and I
5 believe there was a kitchen area that led to a
6 living room and then went to a hallway to the room
7 where the victim was at.

8 Q. Who was in the residence at that time?

9 A. There was -- I want to say several --
10 there were several people, family members.

11 Q. Okay. Can you describe their demeanor
12 for us?

13 A. They were just hysterical, you know, in
14 shock, you know. They couldn't believe what was
15 going on.

16 Q. Did you talk to them about what had
17 happened?

18 A. I tried to find out what was going on
19 and I got a minimum, you know, what's going on while
20 they were trying to secure at the same time. You
21 know, on our slip it said there was one suspect and
22 we thought we had him. We just made sure there was
23 nothing else going on as far as a threat in there.
24 So we were trying to secure the scene so HFD could
25 get to the victim and if she needed help, you know,

1 get that taken care of.

2 Q. What description or what summary of what
3 happened did they give to you?

4 A. That who? Oh, that the parents were
5 having a dispute and then that the grandmother tried
6 to intervene but couldn't. Arguing. Pretty much
7 that's about it. I mean, they were just arguing and
8 he pulled a knife and that he had stabbed her a few
9 times.

10 Q. Did you make your way into the bedroom?

11 A. I didn't go all the way in because HFD
12 was in there. So I didn't want to get in their way.
13 Being if she needed some kind of medical attention,
14 you know, I didn't want to be in the way. So I
15 saw -- I looked down the hallway. HFD went in
16 there. It was secure for them to go in there. So
17 they were trying to see if they could give her some
18 kind of medical attention if it was possible.

19 Q. Was it possible for them to give her any
20 medical attention?

21 A. I'm not sure. Like I said, I wasn't
22 paying attention after that, what they were doing.
23 I was trying to secure -- keep the family from
24 actually going in the room so they can do their work
25 in there.

1 Q. Was the complainant transported?

2 A. Negative, no.

3 Q. Do you know why she was -- why she
4 wasn't transported?

5 A. To my knowledge, it was because she
6 passed away.

7 Q. After you discovered the witnesses that
8 were there in the living room, you secured the body
9 for HFD, what was the next thing that you did?

10 A. We tried to secure the scene as far as
11 putting tape up so people wouldn't get in and trying
12 to keep the family members as calm as possible as we
13 could and call the investigators to come out and
14 told them what we had.

15 Q. After you secured the scene and were
16 waiting for investigators to get there, did you do
17 anything else?

18 A. No, pretty much, no. We were just kind
19 of -- like I say, we were just holding the scene at
20 that point for the investigators to come finish up
21 or do their work in there.

22 Q. Okay. Was the suspect transported to
23 Homicide?

24 A. That's correct.

25 Q. Do you know who transported him?

1 A. Yeah, we did, me and my partner.

2 MR. MULDROW: No further questions.

3 THE COURT: Mr. Decuir.

4 MR. DECUIR: No questions.

5 THE COURT: All right. Thank you.

6 May this witness be excused?

7 MR. MULDROW: Yes, Your Honor.

8 MR. DECUIR: Yes, Your Honor.

9 THE COURT: Thank you, sir. You
10 may be excused.

11 THE WITNESS: Thank you.

12 THE COURT: Call your next.

13 MR. MULDROW: At this time, the
14 State calls Officer Murphy.

15 THE BAILIFF: Your Honor, this
16 witness has not been sworn.

17 THE COURT: Raise your right hand,
18 please.

19 (Witness sworn.)

20 **SEAN MURPHY,**

21 having been first duly sworn, testified as follows:

22 **DIRECT EXAMINATION**

23 **BY MR. MULDROW:**

24 Q. Can you please state your name for the
25 ladies and gentlemen of the jury?