

1 second time, too.

2 Q. Well, if -- I guess my question --

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

4 THE COURT: Yes.

5 Q. (By Mr. Wentz) My question is: If he backed in  
6 the second time --

7 A. No. He reversed down the street the second  
8 time. He still drove in just like a normal car would  
9 drive in.

10 Q. Okay. Fine. So, he drove in --

11 A. Yeah. He was facing the same way the car was  
12 facing the first time. Like, headlights towards the  
13 field.

14 Q. Okay. Fine.

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

16 THE COURT: Ms. Collins.

17 MS. COLLINS: Briefly, Your Honor.

18 **REDIRECT EXAMINATION**

19 **BY MS. COLLINS:**

20 Q. Mr. Trejo, I'm showing you State's Exhibit  
21 No. 48 and 49. I'm going to kind of put them together.  
22 Does this kind of show the vantage point from where you  
23 were on the porch into the church parking lot --

24 A. Yes.

25 Q. -- when we put those things together

1 (indicating)?

2                   Is this about the same distance of where  
3 you were looking on that evening?

4           A.    Yes.

5           Q.    Okay.  Now, when we're looking at State's  
6 Exhibits No. 48 and 49 here -- I know we've talked a lot  
7 about the car and its position.  Can you tell us -- you  
8 mentioned that it was next to the church building.  Is  
9 that right?

10          A.    Yes.

11          Q.    Okay.  And just to be clear, was it parked nose  
12 towards the building or kind of like side-by-side the  
13 building or what are we talking about?

14          A.    It looked more like parallel to the building.

15          Q.    Okay.  And you said that it seemed to be parked  
16 facing the direction of the back of the building.  Is  
17 that fair?

18          A.    Yes.

19          Q.    So, any time when we're talking about reversing  
20 out, reversing out of the parking lot, right?

21          A.    Yes.

22          Q.    And both times that he pulled back in, both  
23 times he was facing, again, to the back of the church  
24 building.  Is that fair?

25          A.    Yes.

1 Q. Okay. And both times parallel with the  
2 building?

3 A. Yes.

4 Q. Okay. And do you recall the position of the  
5 vehicle when he pulled back in and picked up what looked  
6 to be a rifle? Do you remember if it was in front of  
7 where the car was, beside it, or in the back of where  
8 the car was?

9 A. More on the -- I guess the middle of it, in  
10 between like the driver's seat -- I mean the passenger's  
11 seat and the back seat.

12 Q. Okay.

13 MS. COLLINS: Nothing further, Your Honor.

14 THE COURT: Mr. Wentz.

15 MR. WENTZ: If I may, Your Honor?

16 THE COURT: Sure.

17 **RECROSS-EXAMINATION**

18 **BY MR. WENTZ:**

19 Q. The second time the car is parked in  
20 approximately the same position, parallel to the church,  
21 correct?

22 A. Yes.

23 Q. And you've indicated that this firearm was  
24 found between the car and the church, where you  
25 perceived the man to pick this object up from?

1 A. Yes.

2 Q. And in terms of the car, it was somewhere  
3 between the passenger's front and passenger rear, the  
4 middle of the car?

5 A. Yeah, around that area.

6 Q. And what door was used to put this object into  
7 the car?

8 A. The back passenger side.

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

10 THE COURT: Ms. Collins.

11 MS. COLLINS: Nothing further, Your Honor.

12 THE COURT: You may step down, sir.

13 THE WITNESS: Thank you.

14 THE COURT: State, call your next witness.

15 MR. STAYTON: Officer Torres.

16 May I proceed, Your Honor?

17 THE COURT: Yes.

18 **JESUS TORRES,**

19 having been first duly sworn, testified as follows:

20 **DIRECT EXAMINATION**

21 **BY MR. STAYTON:**

22 Q. Good morning, sir. Would you please introduce  
23 yourself?

24 A. My name is Officer Jesus Torres.

25 Q. Officer Torres, how are you employed?

1           A.    With HPD department, Houston Police Department.

2           Q.    And how long have you been employed with the  
3 Houston Police Department?

4           A.    Going on seven years.

5           Q.    And are you a certified -- employed as a  
6 certified peace officer with the Houston Police  
7 Department?

8           A.    Yes, sir.

9           Q.    And currently to which division are you  
10 assigned?

11          A.    I'm assigned to the Southeast Patrol Division,  
12 which is the Mykawa station.

13          Q.    Have you been assigned to patrol for your  
14 entire work history with the Houston Police Department?

15          A.    Yes, sir.

16          Q.    Do you have any law enforcement experience  
17 prior to working with HPD?

18          A.    No, sir.

19          Q.    In July of 2013, were you also assigned to the  
20 Southeast Patrol Division within the Houston Police  
21 Department?

22          A.    Yes, sir.

23          Q.    And do you recall on the 18th of July, 2013,  
24 getting -- hearing a call on the radio that took you to  
25 a location of the Calvary Hill Baptist Church?

1 A. Yes, sir.

2 Q. Was that a location that was within your normal  
3 patrol beat?

4 A. Yes, sir.

5 Q. And on that occasion, were you driving a marked  
6 patrol unit?

7 A. Yes, sir.

8 Q. Did you have anyone else that was with you or  
9 were you working alone?

10 A. That night I was working alone.

11 Q. Did you, on other occasions, work with a  
12 partner?

13 A. Now I do, but back then I didn't.

14 Q. And what was the shift that you were working at  
15 that time?

16 A. In all my seven years, I've always worked  
17 nightshift.

18 Q. And what are the hours of nightshift?

19 A. At that time, I was working from 10:00 p.m. to  
20 6:00 a.m. in the morning.

21 Q. And if you recall, how was it that you were  
22 called out to the 3900 block of Alameda Genoa?

23 A. From our HPD dispatcher.

24 Q. Do you recall the time -- well, first let me  
25 ask you: After this whole incident occurred, and what

1 we're about to talk about, Officer Torres, did you  
2 prepare a supplement to a -- to an HPD incident report,  
3 or police report, that was prepared for the  
4 investigation of this capital murder?

5 A. Yes, sir.

6 Q. And prior to your testimony today, did you have  
7 an opportunity on multiple occasions to review the  
8 supplement that you created as part of this capital  
9 murder investigation?

10 A. Yes, sir.

11 Q. Can you tell us and tell the Court, what time  
12 was it that you were dispatched to this location,  
13 approximately?

14 A. I was dispatched at about -- right about 1:59,  
15 two o'clock in the morning.

16 Q. And do you recall what time you arrived on the  
17 scene?

18 A. About 1:59.

19 Q. And can you describe the scene that you drove  
20 up to? What is there at that location?

21 A. It's a church parking lot.

22 Q. And at two o'clock in the morning, can you  
23 describe the scene as you remember it when you pulled  
24 up?

25 A. Basically, when I arrived, HFD, the ambulance

1 was already there, multiple firefighters there, and the  
2 witness.

3 Q. Where did you park your car?

4 A. A couple feet away, just so if the ambulance  
5 needs to transport, they have easy access to -- if they  
6 needed to transport.

7 Q. If you'd look at the screen there to your left.

8 A. Yes, sir.

9 Q. Can you see it on your left, the small screen  
10 right there (indicating)?

11 A. Yes, sir.

12 Q. Okay. If you would, also, touch the bottom  
13 left of the screen so you can clear out the markings  
14 that have been made on there already.

15 THE COURT: Bottom left.

16 A. (Witness complies).

17 Q. (By Mr. Stayton) The bottom left. There you  
18 go, sir.

19 A. Yeah.

20 Q. All right. I'm showing you what's been marked  
21 as State's Exhibit No. 50. Do you recognize this aerial  
22 photograph and what it shows (indicating)?

23 A. Yes, sir.

24 Q. What is shown in that picture?

25 A. Basically, we have a church right here and the

1 church parking lot (indicating).

2 Q. Okay. Do you recognize this as the church that  
3 you're describing that you pulled up to?

4 A. Yes, sir.

5 Q. All right. And if you would, again, just clear  
6 out the screen.

7 A. (Witness complies).

8 Q. Okay. When you arrived at 2:00 a.m., can you  
9 describe the -- just the conditions that you noticed,  
10 like lighting and was it clear and dry, was it a rainy  
11 evening? What was it like, if you recall?

12 A. From what I remember, it was -- of course, it  
13 was dark. And if I remember, I think there was a light  
14 back here in the back (indicating). When I pulled up,  
15 it was somewhere around here, HFD was right about here  
16 and the body was right around -- somewhere right there  
17 (indicating).

18 Q. And that's where you've drawn a circle on the  
19 diagram there?

20 A. Uh-huh.

21 Q. Other than seeing -- how many personnel were  
22 there with the Houston Fire Department, do you remember?

23 A. More than two. At least three or four.

24 Q. Okay. And they had arrived prior to your  
25 arriving?

1 A. Yes.

2 Q. What is your job when you get to -- you said  
3 you saw a body, also. Right?

4 A. Yes.

5 Q. And can you describe the body and where it was  
6 that you saw it?

7 A. Like I said, right where the circle is,  
8 basically the body was deceased facing -- laying down  
9 with an apparent gunshot wound. I can't remember if it  
10 was in the abdomen or the stomach, right in that area  
11 (indicating).

12 Q. Okay. And were the fire department personnel  
13 working on this individual?

14 A. When I arrived, they had already gave me the  
15 time of death, basically.

16 Q. Okay. And you may have said this, but did you  
17 write in your supplement -- do you usually write in your  
18 supplement what time that you would arrive at a scene?

19 A. Yes.

20 Q. Did you record the time?

21 A. Well, on our MDT box, when we get the call, it  
22 will tell you the time exactly I arrived, which was  
23 1:59.

24 Q. 1:59 was --

25 A. Uh-huh.

1 Q. Earlier I think you said 1:59 might have been  
2 the time that you were dispatched, but are you saying  
3 that 1:59 was the time of dispatch or arrival?

4 A. It's basically -- I was right down the road. I  
5 mean, when I saw the call, I just started heading that  
6 way. I guess I just said: Well, I've already arrived  
7 in the area. You see the ambulance and everything. So,  
8 I mean, I was -- right when they -- the call was given  
9 to me, I arrived.

10 Q. Okay. You saw the fire department personnel,  
11 you saw the body that was on the ground that the fire  
12 department personnel told you that the body -- that the  
13 individual had already -- it was already deceased,  
14 correct?

15 A. Yes.

16 Q. Was there anyone else at the scene that you  
17 observed?

18 A. Yes. A witness, Mr. Trejo.

19 Q. Was there anyone else besides Mr. Trejo there?

20 A. Just HFD, as far as when I arrived. Of course,  
21 other officers started arriving. We started, basically,  
22 putting crime scene up.

23 Q. All right. Now, that's what I want to ask you  
24 about next, then. Once you've arrived and made the  
25 determination that you have a dead body at a scene --

1           A.    Uh-huh.

2           Q.    -- like this, what was your role then?  What  
3 did you do?

4           A.    Well, since I was basically lead or primary,  
5 basically talked to the witness, basically detained him,  
6 put him in my back seat of my patrol car, and then  
7 contacted Homicide.

8           Q.    So, the witness that you're referring to was  
9 Mr. Trejo?

10          A.    Yes.

11          Q.    And when you say you contained {sic} him, can  
12 you describe what did you do with Mr. Trejo?

13          A.    Just basically talked to him, asked him what  
14 did you see, and he basically said he was the one who  
15 called 911.  So, I just basically put him in the back  
16 seat of my patrol car and contacted Homicide.

17          Q.    Was it your role, then, to interview him or was  
18 that to be someone else?

19          A.    That was basically for Homicide to eventually  
20 get the story of what happened.

21          Q.    Okay.  When you say you detained him, was there  
22 any reason to place him in restraints or --

23          A.    Oh, no.  No.

24          Q.    So, he just sat in the back of your patrol car?

25          A.    Yes.

1 Q. And while Mr. Trejo was in the back of your  
2 patrol car, who was it that notified the homicide  
3 department?

4 A. I did.

5 Q. And what did you do while you were waiting for  
6 the homicide investigators to arrive?

7 A. Just basically what we do is -- other officers,  
8 any that arrived after me, basically set up crime scene  
9 tape around the surrounding area, make sure there's no,  
10 you know, evidence or anything so nobody gets into the  
11 actual crime scene.

12 Q. And during the time that you were waiting for  
13 the homicide investigators to arrive, did any other  
14 individuals come to that scene?

15 A. No.

16 Q. Did you do any initial -- as you were putting  
17 the evidence tape around, did you also look for anything  
18 that might be connected with -- that might be important  
19 for the investigators to see when they arrived at the  
20 scene?

21 A. Yes.

22 Q. And can you describe what you did and what you  
23 found, if anything?

24 A. Basically, where the body was located, about a  
25 few feet away there was a fired casing there, which was

1 probably going to be related to the case. So, what I  
2 did, I put a -- basically a paper fold, a piece of paper  
3 out there, so that when Crime Scene comes, they know the  
4 actual -- this is the fired casing or could be involved  
5 with the case.

6 Q. So, you -- you found one fired shell casing?

7 A. Yes.

8 Q. And did you find anything else that you made  
9 note of and marked prior to the arrival of the  
10 investigators?

11 A. No.

12 MR. STAYTON: May I approach the witness,  
13 Your Honor?

14 THE COURT: Yes.

15 Q. (By Mr. Stayton) I want to show you a series of  
16 photographs that have been premarked as State's Exhibits  
17 52, 53, 54, and 56 through 77, and ask you if you would  
18 look through these just briefly, just familiarize  
19 yourself with them (indicating). Okay?

20 A. (Witness complies).

21 Q. Did you take these photographs, Officer Torres?

22 A. No.

23 Q. Were you present when the photographs were  
24 taken?

25 A. Yes.

1 Q. Do you recognize these photographs as having  
2 been taken at the time that we're talking about, on July  
3 18th of 2013?

4 A. Yes, sir.

5 Q. And I think I asked you already, but are you  
6 familiar if this location is in Harris County, Texas?

7 A. Yes.

8 Q. And is it?

9 A. Yes, it is.

10 Q. Do you know who it was that took these  
11 photographs?

12 A. Just CSU, Crime Scene Unit.

13 Q. All right. Do these photographs fairly and  
14 accurately depict the scene as you recall it, the scene  
15 that you've described to us already in your testimony on  
16 July 18th of 2013?

17 A. Yes, sir.

18 MR. STAYTON: I'll offer them into  
19 evidence, after tendering to counsel for inspection.

20 **(State's Exhibit No. 52 through 54, 56**  
21 **through 77 Offered)**

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

24 THE COURT: State's 52, 53, 54, and 56  
25 through 77 are admitted.

1                                   **(State's Exhibit No. 52 through 54, 56**  
2                                   **through 77 Admitted)**

3           Q.    (By Mr. Stayton) Officer Torres, if you would  
4 again clear out the screen to your left.

5           A.    (Witness complies).

6           Q.    I don't want to talk about all of these  
7 photographs, but I just want to show just a couple to  
8 ask you about, a couple more questions here.

9                               Officer Torres, you're looking at what's  
10 been marked as State's Exhibit No. 54. Do you recognize  
11 this photograph from that -- where it is on that scene  
12 (indicating)?

13          A.    Yes, sir.

14          Q.    All right. And to -- as we're looking at the  
15 side of the church building here, to the left there's a  
16 small white object that I'm pointing to here that is  
17 close to the side of the building and up next to the  
18 edge of the grass and the parking lot. Do you see what  
19 I'm talking about (indicating)?

20          A.    Yes, sir.

21          Q.    What is that, sir?

22          A.    It's my paper fold.

23          Q.    All right. And, also, you see a body that's  
24 covered in a sheet there to --

25          A.    Yes.

1 Q. -- basically, in the center of the photograph,  
2 right?

3 A. Yes, sir.

4 Q. When you first saw the body that you described  
5 already in your testimony, is that approximately where  
6 you remember it to be?

7 A. Yes, sir.

8 Q. And when you first saw the body, was the body  
9 covered with a sheet at that time?

10 A. No.

11 Q. And do you recall who it was that would have  
12 covered the body with the sheet?

13 A. I'm guessing it was HFD, but, you know...

14 Q. Was that your role to do that?

15 A. No.

16 Q. All right. Now, I'm going to go a little bit  
17 closer in on a different photograph to look at the white  
18 object that you referred to. We're looking at State's  
19 No. 58. Do you see the white, square object again --

20 A. Yes, sir.

21 Q. -- that's on the -- to the right side of the  
22 photograph on the edge of the parking lot and the grass?  
23 Can you tell us again what was -- what was that white  
24 paper object (indicating)?

25 A. Just a piece of paper from my tablet that I use

1 to take notes.

2 Q. And you placed that there?

3 A. Yes, sir.

4 Q. And what did you place it there for, sir?

5 A. For a fired casing.

6 Q. And then in State's Exhibit No. 61, what are we  
7 looking at in this photograph (indicating)?

8 A. It appears to be a fired casing.

9 Q. Is that the fired casing that you -- you were  
10 the one that found it, sir?

11 A. Yes, sir.

12 Q. And then the white piece of paper here, it's  
13 difficult to see here, I believe, but -- let me approach  
14 you.

15 MR. STAYTON: May I approach, Judge?

16 THE COURT: Okay.

17 Q. (By Mr. Stayton) I think you can see on the  
18 photograph. Is there -- there's some writing on the  
19 white piece of paper. What does it say, sir?

20 A. It says: No. 1, shell casing.

21 Q. And whose handwriting is that?

22 A. That's mine.

23 Q. And other than marking the location of where  
24 you found that fired shell casing, did you do anything  
25 else with the shell casing?

1 A. No, sir.

2 Q. Why not, sir?

3 A. I just wait -- I just wanted to give Crime  
4 Scene Unit an idea of where the actual -- the evidence  
5 is so when they come, they know exactly where to look if  
6 they need to take pictures and they can gather that  
7 evidence.

8 Q. And then you secured the scene as well?

9 A. Yes, sir.

10 Q. And was there any other significant possible  
11 piece of evidence that you recall finding and marking at  
12 that scene prior to the arrival of the homicide  
13 investigators?

14 A. No, sir.

15 MR. STAYTON: Pass the witness, Judge.

16 THE COURT: Mr. Wentz.

17 MR. WENTZ: May I look at the photos, Your  
18 Honor?

19 THE COURT: Sure.

20 **CROSS-EXAMINATION**

21 **BY MR. WENTZ:**

22 Q. We met briefly this morning already, correct?

23 A. Yes, sir.

24 Q. Let me have you make reference to State's  
25 Exhibit No. 50. And I think you've indicated that at

1 this time you were operating without a partner the  
2 morning of July 18th, 2013; is that correct?

3 A. Yes, sir.

4 Q. And this is an area of town that you were very  
5 familiar with; is that correct?

6 A. Yes, sir.

7 Q. And, in fact, when you got your call -- you  
8 were almost at the crime scene when you got the call?

9 A. Yes, sir.

10 Q. Now, you can obviously see that we have a  
11 street that is marked Almeda Genoa Road, correct?

12 A. Yes, sir.

13 Q. And this is the church that we've been talking  
14 about as well as the building that the church also uses,  
15 correct (indicating)?

16 A. Yes, sir.

17 Q. And it would appear from State's Exhibit No. 50  
18 that right next to the church is a -- a wooded area.  
19 Would you agree with me?

20 A. Yes, sir.

21 Q. And that as you drive down Almeda Genoa Road,  
22 you would come to, I believe, Cullen; is that correct?

23 A. Yes, sir.

24 Q. And about how far would you have to go from the  
25 church to get to the block or the corner of Almeda Genoa

1 and Cullen?

2 A. Not too far. Within maybe walking distance you  
3 could.

4 Q. We see on State's Exhibit No. 50, we have this  
5 lot with the trees on it and then what would appear to  
6 be a lot that is cleared; is that correct?

7 A. Yes.

8 Q. How many -- how much further down would you  
9 have to go until you get to Cullen?

10 A. I couldn't tell you exactly. Like I said, it's  
11 within walking distance. So, maybe 50 feet, maybe.  
12 Maybe.

13 Q. And would you agree with me as you drive down  
14 Almeda Genoa, let's say to the left where my finger is  
15 pointing, it's more of a residential area in that  
16 direction, correct (indicating)?

17 A. Yes, sir.

18 Q. However, when you would go up to the area of  
19 Almeda Genoa and Cullen, there would be strip centers  
20 there, correct?

21 A. Yes. There's about two gas stations there.

22 Q. Okay. Now, when you got there almost  
23 immediately, you talked about arriving, and you've  
24 positioned the body being approximately where my finger  
25 is. Would you agree with me (indicating)?

1 A. Yes, sir.

2 Q. About how far is the body from this church  
3 building?

4 A. A few feet.

5 Q. And using this particular photograph, State's  
6 Exhibit No. 55, could you place the body in this  
7 photograph or does this picture of the parking lot not  
8 extend that far (indicating)?

9 A. You're saying -- I'm sorry. Can you repeat  
10 that?

11 Q. I phrased my question very badly.

12 Does this photo allow for you to  
13 demonstrate where the body was when you came into the  
14 parking lot?

15 A. I would say no, huh-uh.

16 Q. It would be further off to the side; is that  
17 correct?

18 A. Right.

19 Q. However, you've indicated that you did mark  
20 where this casing was with a white piece of paper that  
21 I'm pointing to (indicating)?

22 A. Yes, sir.

23 Q. About what is the distance between the casing  
24 and the light that is at the corner?

25 A. I would say a few feet, I'm guessing.

1 Q. And when you got there, that light was  
2 operational, it was emitting light, correct?

3 A. Yes.

4 Q. About in the manner in which it is in this  
5 particular picture?

6 A. I wouldn't even know.

7 Q. But it was on, correct?

8 A. Right.

9 Q. And were there any other lights around that  
10 parking lot?

11 A. No.

12 Q. Let me show you what has been marked as State's  
13 Exhibit No. 56. And do you see a tall pole over here  
14 right behind where this officer is standing  
15 (indicating)?

16 A. Yes, sir.

17 Q. And do you see what would appear to be a  
18 streetlight right over here where my finger is pointing  
19 (indicating)?

20 A. No, sir.

21 Q. Right here where my finger is pointing  
22 (indicating)?

23 A. Yes, sir.

24 Q. So, there were some other lights out there,  
25 correct?

1           A.    Yes.  Very dim, but, yes, there was a little  
2 bit of lighting.

3           Q.    And do you recall this light being on  
4 (indicating)?

5           A.    No, I can't recall.

6           Q.    But there is a lamppost there, correct?

7           A.    It appears, yes.

8           Q.    Let me show you what's been marked as State's  
9 Exhibit No. 46.  Do you see a lamppost here  
10 (indicating)?

11          A.    Yes.

12          Q.    And would you agree with me there appears to be  
13 light emanating from that lamppost in this State's  
14 Exhibit No. 46?

15          A.    Yes.

16          Q.    With regards to State's Exhibit No. 50, we see  
17 the white piece of paper that you have as your cartridge  
18 casing marker.  There appear to be tire tracks into the  
19 field.  Would you agree?

20          A.    Yes.

21          Q.    Do you know how long they had been there?

22          A.    No, sir.

23          Q.    Have you been to this parking lot recently at  
24 all?

25          A.    No.  No, sir.