

1                   THE COURT: You may proceed.

2                   MR. BREWER: Thank you, Your Honor.

3                                   **ERIC VALDEZ,**

4                   having been first duly sworn, testified as follows:

5                                   **DIRECT EXAMINATION**

6                   Q.    (BY MR. BREWER) Officer, let's get your first name  
7                   as well. Introduce yourself with your first and your last  
8                   name for the jury for us, Officer.

9                   A.    Officer Eric Valdez.

10                  Q.    Officer, we can see that you work for the Houston  
11                  Police Department by your uniform but I'd like to start out  
12                  by talking to you a little bit about who you are or who you  
13                  were before you put on the blue. Tell us a little bit about  
14                  your background.

15                  A.    Prior to becoming an officer, I was in the United  
16                  States Army for approximately eight years, then received my  
17                  bachelor's in business administration from the University of  
18                  Houston.

19                  Q.    Did the -- I want to go back even one step before  
20                  that.

21                                  Go ahead and pull that mic to your face so you  
22                  can be comfortable. That way you don't have to hold onto  
23                  it. It won't run away, I promise.

24                                  I want to go back one step before the Army.  
25                  Are you a hometown boy?

1           A.    Yes, Cypress.

2           Q.    What part of town?  What high school?

3           A.    Attended Cypress Springs High School.

4           Q.    How did we get from Cypress Springs High School to  
5 the Army?

6           A.    I needed a way to pay for college.

7           Q.    Did it work?

8           A.    Yes.

9           Q.    The college that you went to -- after how many  
10 years in the Army?

11          A.    After four years.

12          Q.    And before I move on, it would do you an injustice  
13 if we didn't talk a little bit about that.  Where did you  
14 serve while you were in the United States Army?

15          A.    I served in Puerto Rico and I did 13 months in  
16 Iraq.

17          Q.    Did you see actual combat in Iraq?

18          A.    Yes, I did.

19          Q.    Where were you stationed?  Were there any names  
20 that we would recognize?

21          A.    Baghdad, Fallujah.

22          Q.    All right.  When you got out of the Army, honorable  
23 discharge?

24          A.    Right.

25          Q.    Did you actually take yourself up on that promise

1 and go to school?

2 A. I did.

3 Q. What school?

4 A. The University of Houston main campus.

5 Q. That's over here just across from 45 near Cullen,  
6 off of Cullen?

7 A. Yes.

8 Q. What did you study?

9 A. Business and -- business management and human  
10 resources.

11 Q. Did you get a degree?

12 A. Yes.

13 Q. What was your degree? Bachelor of arts or  
14 bachelor's of science?

15 A. Bachelor's of arts.

16 Q. Four years or more?

17 A. Four years.

18 Q. Got it done in four. Congratulations.

19 So, you graduated from the University of  
20 Houston. What year?

21 A. 2008.

22 Q. And you got a bachelor of arts in human resources,  
23 right?

24 A. Yes.

25 Q. So it would make sense that you end up a police

1 officer. What happened there?

2 A. Missed the uniform a little bit, decided to give  
3 HPD a try. It's something that I wanted to do growing up.

4 Q. So, you applied?

5 A. Yes.

6 Q. Get in the first time?

7 A. Yes.

8 Q. All right. Let's very briefly talk about some of  
9 the basics that police officers learn. Do they just put you  
10 in a blue shirt, give you a badge and set you in a car or  
11 what is the process for becoming a police officer?

12 A. Well, you have to attend a six-month academy where  
13 you learn the law, penal code, traffic code, you learn  
14 arrest, search and seizures, learn how to process scenes,  
15 how to make arrests.

16 Q. Does part of that training, towards the end of that  
17 training, do you actually get to go out into the street and  
18 kind of hands-on training?

19 A. Yes, we do.

20 Q. After you finish the academy, is there a period of  
21 time in which -- I guess you'd officially be called a rookie  
22 but you've got a training officer or field officer with you  
23 that's making sure you've got good training?

24 A. Yes.

25 Q. How long does that last?

1 A. About six months.

2 Q. Did you make it through?

3 A. Yes.

4 Q. Let's go to March of 2011. Were you working with  
5 somebody at that time or in other words, were there two  
6 people working together, you and a partner? Were you  
7 working by yourself?

8 A. Working by myself.

9 Q. What part of town were you working in?

10 A. Midwest.

11 Q. Give us an idea, if we're not familiar with HPD,  
12 you know, sections, how the town is sectioned off. Where  
13 would midwest be?

14 A. It would be near the Galleria area, 610, 59.

15 Q. How far out does it go?

16 A. It's in the city limits, so it'd go up to South  
17 Gessner.

18 Q. All right. Were you working in a patrol car, at a  
19 desk or tell us what your duties were if we -- looking back  
20 now, if we are looking back down to March, 2011?

21 A. Patrol officer. I was working in the patrol car.

22 Q. So, you're in a patrol car; you're alone. Full  
23 uniform or undercover?

24 A. Full uniform.

25 Q. Doesn't make sense to not have a uniform on if you

1 got lights on top of the car, right?

2 A. Right.

3 Q. You're in the southwest part of town. Are you  
4 working during the daylight hours or at night?

5 A. Nighttime.

6 Q. Give us a shift parameter.

7 A. 9:30 PM to 7:30 AM.

8 Q. Okay. So, the whole night. If it's dark, you're  
9 out there?

10 A. I'm out.

11 Q. Let's talk now specifically about March 11th of  
12 2011, just before the midnight hour. Did you receive a call  
13 in your car or did a call go out that you heard in your  
14 patrol unit that you responded to?

15 A. Yes, I did.

16 Q. About what time was that?

17 A. Shortly before midnight, I would say 11:40.

18 Q. Okay. So, we're going to say roughly 20 minutes  
19 before midnight. So we don't make things confusing, before  
20 midnight, the date we're referring to is March?

21 A. 11th.

22 Q. 11th of 2011. When we get past midnight, we're  
23 going to be obviously into March 12th of 2011; is that  
24 correct?

25 A. Yes.

1 Q. All right. What did you hear on the radio or what  
2 type of call were you responding to?

3 A. To a shooting-just-occurred call.

4 Q. What does that mean in regular English?

5 A. That means shots have been fired at a location  
6 given.

7 Q. Was the -- I think you said it there at the end.  
8 Was there a specific location?

9 A. Yes.

10 Q. Do you recall the location?

11 A. Yes, I do. 20 --

12 Q. What was the location?

13 A. 2757 Briargrove.

14 Q. Was that a location you were familiar with?

15 A. Yes.

16 Q. Generally describe it.

17 A. It's a multiunit apartment complex, has several  
18 sections. Each section carries its own address. It's near  
19 Westheimer east of Hillcroft in the city of Houston, Harris  
20 County.

21 Q. To give us an idea, since, you know, maybe we've  
22 never seen that apartment complex, is it a couple of units?  
23 When you say "multi," dozens of units or hundreds of units?

24 A. Hundreds.

25 Q. All right. So, this is one of the southwest

1 Houston kind of large apartment complexes?

2 A. Yes, it is.

3 Q. Have you -- had you been to that location before,  
4 just generally the apartment complex?

5 A. Yes.

6 Q. All right. So, you were familiar with it?

7 A. Yes, I was.

8 Q. Tell us -- tell the ladies and gentlemen of the  
9 jury when you hear on the radio about shots fired or  
10 firearms involved, try to explain to them what types of  
11 processes occur in your mind, both kind of emotionally and  
12 professionally. What do you prepare yourself for?

13 A. I think when you hear that call, a shooting call,  
14 you have a heightened sense of alertness, I guess a little  
15 bit of adrenaline. You don't know exactly what you're going  
16 to or what you're going into, you know, just people --  
17 people, you know, that could have guns, multiple people.

18 Q. How long did it take you to get to that location?

19 A. Approximately three minutes.

20 Q. When you got there, were there any other police  
21 officers that you were aware of when you first pulled up?

22 A. No.

23 Q. All right. Just so we can be clear, it's a silly  
24 question but we have to ask it, is that location in Harris  
25 County, Texas?



1           A.    Yes, it is.

2           Q.    All right.  When you got there, what did you do?

3           A.    When I got there, I noticed a security officer  
4 with -- holding a male.

5           Q.    All right.  Let's try to get you from the car to  
6 where you saw the security officer.  Did you park in a  
7 parking lot or on the street or do you recall?

8           A.    I parked in front of 2757 Briargrove, which is an  
9 apartment complex right directly in front of it.

10          Q.    I assume -- did you see him immediately from your  
11 car or did you get out of your car?

12          A.    As I approached the address.

13          Q.    All right.  When you approached the address, you  
14 said you saw a security guard with somebody in custody.  
15 What do we mean by that?  If we're not familiar with the  
16 term "in custody," what did you see?

17          A.    He had a male detained in handcuffs.

18          Q.    Did you -- tell us what went through your mind, if  
19 you recall, when you saw that?  What did you think or do at  
20 that point?

21          A.    I thought that it could be somebody involved in a  
22 shooting, maybe a suspect or a victim.  I didn't know at the  
23 time.

24          Q.    What did you tell the security guard to do, if  
25 anything?

1           A.    I asked him to hold onto him so that I could go  
2 investigate the shooting call that we got.

3           Q.    Now, there was an address that came over the radio,  
4 correct?

5           A.    Yes.

6           Q.    We know that -- when you're talking to the security  
7 guard, are you outside of the apartment complex or are you  
8 in kind of the courtyard area or in between?

9           A.    I'm outside of the complex.

10          Q.    All right.  Were you about to head into the  
11 interior of the apartment complex?

12          A.    Yes.

13          Q.    When you got the radio call, was there a specific  
14 apartment that you were dispatched to?

15          A.    No, there wasn't.

16          Q.    All right.  So, you just had a building, a complex?

17          A.    (Nods head affirmatively.)

18          Q.    When you spoke to the security guard, don't tell us  
19 what he said but did he give you any information that  
20 assisted you with locating the shooting or the problem?

21          A.    Yes, he did.

22          Q.    All right.

23          A.    He --

24          Q.    Okay.  Hold on.  After he gave you that  
25 information, did you have a better idea of where you were

1 going?

2 A. Yes.

3 Q. Were you looking for a particular apartment?

4 A. Yes.

5 Q. What apartment was your investigation focusing on  
6 after talking to the security guard?

7 A. Apartment 409.

8 Q. All right. Is that a -- how many floors in this  
9 apartment -- in this particular building, if you recall?

10 A. Three.

11 Q. Three. Is that a first-, second- or third-floor  
12 apartment?

13 A. First floor.

14 Q. And is the -- just so we can kind of get a little  
15 better picture, the courtyard area, is it open or is it a  
16 completely enclosed, like, apartment building?

17 A. No, it's an apartment courtyard. All the  
18 apartments face the courtyard.

19 Q. So, I'm going to put you, I guess at this point,  
20 entering into the courtyard; is that correct?

21 A. Yes.

22 Q. Did you locate Apartment No. 409?

23 A. Yes, I did.

24 Q. When you located 409 -- you've already talked to us  
25 about the security guard and a person in custody -- was

1 there anybody else there kind of on your side? Did you see  
2 any other police officers or any other security guards at  
3 the point you located the apartment?

4 A. Not immediately.

5 Q. All right. What did you do when you found 409?  
6 Well, before I ask you what you did, what did you see when  
7 you found 409?

8 A. I saw a broken window, shattered glass and a black  
9 pistol outside of the window, outside of the apartment.

10 Q. What about the door to the apartment? Do you  
11 recall whether it was open or closed?

12 A. It was open.

13 Q. What did you do at that point, if anything?

14 A. At that point, asked for more officers so they  
15 could assist me in the investigation.

16 Q. What is the reason for that? Why are you asking  
17 for additional officers at that time?

18 A. For my safety, security purposes and we knew that a  
19 shooting actually had occurred, there was a crime that had  
20 occurred in that apartment or in the area.

21 Q. So, let me talk a little bit about the window.  
22 Could you tell whether the window had been broken going into  
23 the apartment, like a burglar, or someone coming out of the  
24 apartment or someone or something coming out through the  
25 window?

1 A. Someone coming out of the window.

2 Q. All right. How close to the window was the gun, if  
3 you recall? Far or close?

4 A. Close.

5 Q. How about your heightened sense of awareness at  
6 this point now that you've seen a gun laying there, an  
7 apartment door is open and a window has been broken? How  
8 are you processing at this point?

9 A. I'm looking for somebody that may be involved.

10 Q. Did you go into the apartment?

11 A. No.

12 Q. Why not?

13 A. To maintain the integrity of the crime scene.

14 Q. Did -- tell me what you mean by that, "maintain the  
15 integrity of the crime scene." What does that mean?

16 A. To secure the scene, any evidence that may be  
17 inside or around the apartment complex.

18 Q. Did you have any security issues or any fear about  
19 someone that may be in the apartment at that time?

20 A. Yes.

21 Q. Did other officers arrive?

22 A. Yes.

23 Q. What happened when the other officers got there?

24 A. When officers got there, another officer alerted me  
25 that there was a person with a gunshot wound on the third

1 floor of the complex.

2 Q. Okay. So, the period in which we're talking there,  
3 are you still on the first floor by Apartment No. 409?

4 A. Yes.

5 Q. Are you able to determine from radio chatter, I'm  
6 going to call it, or from hearing things on your radio that  
7 there are other officers in the apartment complex on this  
8 investigation?

9 A. Yes.

10 Q. When you heard about this other location, was it  
11 far or close -- I'm just going to use those general terms --  
12 to 409?

13 A. It was close. It was visible from where I was  
14 standing.

15 Q. Okay. So, did you look up to see where those  
16 officers were?

17 A. Yes, they were on the third floor.

18 Q. What did you do then?

19 A. I then went to the location where the victim was  
20 at.

21 Q. Do you remember if there were any apartment doors  
22 in that area that could help us kind of identify the  
23 location where you were?

24 A. Yes.

25 Q. What numbers do you recall?

1           A.    638, 634.

2           Q.    All right.  When you left Apartment 409 to go up to  
3 this area around 638, 634, how did you leave Apartment No.  
4 409?  Were there other officers there to deal with that?

5           A.    Yes, I left two other officers to secure the  
6 apartment.

7           Q.    Had anybody gone in there at that point that you  
8 were aware of?

9           A.    No.

10          Q.    All right.  So, holding steady downstairs at 409,  
11 going up to 634, 638 to see what was up there, correct?

12          A.    Right.

13          Q.    When you got up there, what did you see?

14          A.    I saw the victim laying on the ground.

15          Q.    Describe the victim to us, if you can.

16          A.    It was a black male.

17          Q.    Young or old?

18          A.    Young.

19          Q.    Do you remember whether he was in a state of dress  
20 or undress?

21          A.    He was still dressed.  He was breathing.  He was  
22 alive.

23          Q.    Okay.  So, let's talk a little bit about that.  Was  
24 he standing up or on the ground?

25          A.    He was on the ground.

1 Q. How could you tell that he was still alive at that  
2 time?

3 A. His breathing.

4 Q. Did -- I mean, you know, a lot of people are not  
5 used to scenes where you've got somebody laying on the  
6 ground that -- you know, how did you determine he was a  
7 gunshot victim?

8 A. HFD arrived about the same time that I did and they  
9 began treating the victim.

10 Q. What did you see them do? And HFD is the Houston  
11 Fire Department, correct?

12 A. Yes.

13 Q. What did you see them do?

14 A. They started to perform CPR.

15 Q. Did they do that over his clothes or did they do  
16 something with his clothes?

17 A. They began to cut his clothes off.

18 Q. I'm sorry. I didn't hear you.

19 A. They cut his clothes off.

20 Q. All right. When you say "CPR," what do you mean by  
21 that?

22 A. They start to resuscitate him and give him chest  
23 compressions.

24 Q. Okay. The chest compressions, is that where we see  
25 people on TV pushing down on someone's chest?



1 A. (Nods head affirmatively.)

2 Q. How long did they actually work to save his life  
3 while you were standing there?

4 A. Less than a minute.

5 Q. So, it was very quick?

6 A. Yes.

7 Q. What did they do at that point when they -- did  
8 they just finish up or what happened?

9 A. No, they were going to transport him to get further  
10 medical treatment.

11 Q. At any point while the EMTs, the emergency medical  
12 technicians, or the fire department personnel were working  
13 on him, were you able to confirm that he appeared to be, to  
14 you, a gunshot victim?

15 A. Yes.

16 Q. How?

17 A. I saw the wound.

18 Q. Okay. Do you recall approximately where it was on  
19 his body?

20 A. Abdomen area near his ribs.

21 Q. And was there -- have you seen gunshot wounds  
22 before?

23 A. Yes.

24 Q. All right. Did it appear to be -- and we're not  
25 going to get any more specific than this, but did it appear

1 to be a gunshot wound to you?

2 A. Yes, it did.

3 Q. All right. Was there a lot of blood on the scene?

4 A. No.

5 Q. At one point while you were up on the third floor  
6 balcony, were you approached by a female?

7 A. As they were moving the victim.

8 Q. All right. So, as the fire department was taking  
9 the victim off on a stretcher, I assume?

10 A. Yes.

11 Q. And just before we start talking about the young  
12 lady, when he was being taken off, did you believe him to be  
13 alive or dead at that time?

14 A. Alive.

15 Q. So, as they were taking off, were you approached by  
16 a young lady?

17 A. Yes.

18 Q. Let's talk a little bit about the young lady first.  
19 Was she black, white, brown, yellow?

20 A. It was a black female.

21 Q. Older, younger?

22 A. She was younger.

23 Q. And when they approached you, could you describe  
24 the state she was in, the emotional state she was in?

25 A. Yes, she appeared distressed, excited, as if

1 something had just occurred, she was breathing rapidly.

2 Q. Did she say things -- just yes or no at this point.  
3 Did she say things to you while she was in that state of  
4 excitement?

5 A. Yes.

6 Q. What did she tell you?

7 MR. ANDERSON: Objection, Your Honor, hearsay.

8 THE COURT: Overruled.

9 Q. (BY MR. BREWER) What did she say to you, Officer?

10 A. She stated that she was a sister of the victim and  
11 that they had -- they were in Apartment 409 when two males  
12 walked into the apartment, one with the gun and one with the  
13 taser, and shot at the victim.

14 Q. All right. So, at this point were you able to  
15 associate the victim up on the third floor with something  
16 that had occurred in Apartment No. 409?

17 A. Yes.

18 Q. What did you do or what did you have done with the  
19 young lady? And I apologize. Did she say anything else to  
20 you after that?

21 A. No.

22 Q. All right. What did you do with her at that point?

23 A. At that point I separated her and placed her in my  
24 patrol car.

25 Q. Okay. What is the reason for that?

1           A.    Because at that point I still didn't know if she  
2   was a victim or if she -- what all she knew in regards to  
3   what had happened, the incident, and wanted a detective to  
4   talk to her.

5           Q.    Okay.  So, could she have been a witness at that  
6   point?

7           A.    Yes.

8           Q.    Could she have been a victim at that point?

9           A.    Yes.

10          Q.    Could she have been a bad guy at that point?

11          A.    Yes.

12          Q.    Is it standard procedure to take anybody in any of  
13   those categories and make sure they're kind of separate from  
14   everybody else?

15          A.    Yes, it is.

16          Q.    Why is that?  Why do you separate your suspects,  
17   victims, witnesses, good guys, bad guys?

18          A.    So they don't communicate and they don't talk about  
19   what happened, they don't try to make up stories.

20          Q.    Okay.  So they don't make up stories, that's one  
21   reason.  Is there another reason why you don't want your  
22   witnesses or anybody else to communicate?

23          A.    Well, at that point we still don't know if -- what  
24   their involvement is.

25          Q.    All right.  So, we've now -- and do you recall that

1 lady's name?

2 A. Yes.

3 Q. What is it?

4 A. Fletcher.

5 Q. Last name or first name?

6 A. Last name.

7 Q. Okay. So, we have a black female with the last  
8 name Fletcher who you got in your car at this point, right?

9 A. Yes.

10 Q. What else happens then at that point?

11 A. At that point I contact homicide division and  
12 relate to them the scene that I'm on and what I have.

13 Q. Why do you do that?

14 A. Because it's standard procedure.

15 Q. What's going to happen at that point? And I mean  
16 did you call homicide? Do you tell them that there is a  
17 shooting victim that you've seen?

18 A. Yes, I tell them there's a shooting victim.

19 Q. All right. And typically what is going to happen  
20 after that?

21 A. Usually they'll determine whether they're going to  
22 send out a CSU unit and detectives.

23 Q. All right. Would the detectives be homicide  
24 detectives?

25 A. Yes.

1 Q. And tell us what a CSU unit is.

2 A. They process scenes and collect evidence.

3 Q. All right. What is your job while those decisions  
4 are being made or while those people are being dispatched to  
5 the scene?

6 A. To maintain security on the scene.

7 Q. What about the apartment? Do we go into the  
8 apartment to make sure there's nobody in there? Do we just  
9 stay outside? What role did you play at that point?

10 A. We just stayed outside.

11 Q. All right. Everybody's seen from the movies this  
12 yellow tape that says "crime scene" or "caution" or  
13 something like that on it. Do you do that part?

14 A. Yes.

15 Q. Was there crime scene tape that had gone up around  
16 these various -- these two locations that we had talked  
17 about?

18 A. Yes.

19 Q. Are there other officers on the scene to help you  
20 to keep these locations as free of interference as possible?

21 A. Yes.

22 Q. Let's go back to the person that was in custody of  
23 the security guard. Was anything done with him?

24 A. He was also separated and placed in the patrol car.

25 Q. For the same reasons that Ms. Fletcher was placed

1 in a patrol car?

2 A. Yes.

3 Q. All right. Let me describe -- let's go ahead and  
4 describe him a little bit. I've said "him," so clearly a  
5 male, correct?

6 A. Yes.

7 Q. Black, white, brown, yellow?

8 A. A black male.

9 Q. Black male. Younger? Older?

10 A. He was young.

11 Q. And do you recall his name at all?

12 A. No.

13 Q. Fair enough. Was he placed in a separate police  
14 car from Ms. Fletcher?

15 A. Yes, he was.

16 Q. Was there anybody else that any of the police  
17 officers were able to determine may have been involved in  
18 the scene out there that night that was talked to?

19 A. Yes, there was a second male.

20 Q. Describe him, if you saw him.

21 A. Young black male.

22 Q. Similar to the one that the security guard had but  
23 a different guy, right?

24 A. Different person, similar.

25 Q. And what happened with him out there on the scene?

1           A.    He was detained as well once we found out that he  
2 was involved.

3           Q.    For the same reason that Ms. Fletcher was detained?

4           A.    Yes.

5           Q.    Was he placed in a separate car by one of the  
6 officers?

7           A.    Yes, he was.

8           Q.    All right.

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

10                   THE COURT:  Mr. Anderson.

11                   MR. ANDERSON:  Thank you.

12                                   **CROSS-EXAMINATION**

13           Q.    (BY MR. ANDERSON)  Officer Valdez, would you  
14 describe your role at the location as basically just a first  
15 scene officer, since you were the first one to arrive?

16           A.    Yes.

17           Q.    Okay.  I know you indicated -- described your  
18 background, education, your training, in particular your  
19 training with HPD and one of the things you commented on or  
20 mentioned was the fact that you also, I guess, received  
21 training in processing a scene.  Do you recall saying that?

22           A.    Yes.

23           Q.    Okay.  Now, that wasn't your role or function at  
24 that time at that location, was it?

25           A.    No.



1           Q.    Okay. All right. Now, in terms of talking or in  
2 terms of the persons who were detained, the two young black  
3 males and the one young black female, did you have  
4 discussions with each of those individuals?

5           A.    No, I didn't.

6           Q.    Did you interview either of those individuals that  
7 night?

8           A.    No, I didn't.

9           Q.    All right. Did you or were you present when either  
10 of the three persons was talking to or interviewed by any  
11 other police officer?

12          A.    No, I wasn't.

13          Q.    All right. Now, at some point in time you  
14 described that you contacted homicide division, decisions  
15 were made as to whether or not investigators were going to  
16 be sent out to the location, also decisions were going to be  
17 made as to whether or not a crime scene unit or units would  
18 be dispatched to that location. Do you recall that?

19          A.    Yes.

20          Q.    All right. Now, in fact, while you were out there,  
21 did investigators from the homicide division arrive at the  
22 scene?

23          A.    Yes, they did.

24          Q.    And also did individuals from the crime scene unit  
25 or units arrive at the scene?

1 A. Yes.

2 Q. All right. Now, in terms of after these  
3 individuals arrived at the scene, did you assist them in any  
4 way in terms of processing the two scenes out there, the  
5 Apartment 409 or the location outside of 634 or 638?

6 A. No, I solely maintained security.

7 Q. Okay. And in doing so, does that mean that you  
8 were just walking around the area, making sure that nobody  
9 moved anything, touched anything or contaminated the scene  
10 in any way?

11 A. Just -- yes, and make sure that CSU was safe while  
12 they were processing the scene.

13 Q. Now, at any time while you were there -- and by the  
14 way, how long were you at the location?

15 A. From start to finish?

16 Q. How -- from start to finish how long were you out  
17 there?

18 A. Approximately eight hours.

19 Q. All right. Now, during that eight-hour period of  
20 time, did you ever have an occasion to go inside of  
21 Apartment 409?

22 A. Yes.

23 Q. Okay. And at what point in time did you go inside  
24 Apartment 409?

25 A. After CSU had been on the scene for quite some

1 time.

2 Q. Okay. Now, when you went into the apartment,  
3 Apartment 409, were the officers from the CSU still in the  
4 apartment or had they left?

5 A. Still inside.

6 Q. Okay. And were they still processing the scene  
7 after you went into Apartment 409?

8 A. Yes.

9 Q. All right. And how long did you remain inside  
10 Apartment 409 once you entered?

11 A. Less than ten minutes.

12 Q. All right. Now, other than the crime scene  
13 officers and yourself, were there any other persons inside  
14 the apartment?

15 A. No.

16 Q. Okay. Any of the tenants or residents that lived  
17 in 409, were they in the apartment at that time?

18 A. No.

19 Q. Now, when you went into Apartment 409, did you  
20 participate in any collection of evidence during the  
21 ten-minute period that you were there?

22 A. No.

23 Q. All right. Now, if the crime scene unit officers  
24 were there processing the scene and basically your role was  
25 to basically secure the scene and act as security, what

1 reason was it that you went into Apartment 409?

2 A. Standard protocol calls us to walk the scene when  
3 the detectives arrive so that we can show them what we have  
4 and they want us to be present.

5 Q. Okay. Now, if you hadn't gone into Apartment 409,  
6 what was it that you were going to be showing the detectives  
7 inside of 409 if you hadn't gone in there?

8 A. Well, you could see inside. The doors were open.

9 Q. All right. So, before the officers arrived, you  
10 looked inside of Apartment 409?

11 A. From the outside.

12 Q. Okay. And when you went into 409, was it described  
13 to detectives what you had seen when you looked through the  
14 door?

15 A. I didn't describe anything. I just was walking  
16 with them, walking through the apartment while they did  
17 their initial walk-through.

18 Q. All right. Now, the -- you described earlier in  
19 your testimony about the window of Apartment 409, I believe  
20 you described it as it appeared to have been shattered,  
21 there was evidence out on the sidewalk, in particular, a  
22 pistol. Do you recall that?

23 A. Yes.

24 Q. All right. Now, did you participate in the  
25 collection of that pistol as evidence or was that done by

1 the crime scene officers?

2 A. I didn't participate.

3 Q. All right. Now, the black female, she was placed  
4 in your patrol vehicle?

5 A. Correct.

6 Q. And at no time while she was in your patrol vehicle  
7 did you go speak with her?

8 A. No, sir.

9 MR. ANDERSON: I'll pass the witness. Thank  
10 you, sir.

11 THE COURT: Mr. Brewer.

12 MR. BREWER: Pass the witness, Judge.

13 THE COURT: May this witness be excused if we  
14 put him on call?

15 MR. ANDERSON: Yes, Your Honor.

16 MR. BREWER: It's all right with us, Your  
17 Honor.

18 THE COURT: Okay. Thank you, Officer. You  
19 are free to go.

20 Ladies and gentlemen, why don't we take our  
21 morning break at this time. We'll be in recess until 11:25.  
22 Feel free to go downstairs, get something to drink if you'd  
23 like to do that. We'll probably break for lunch right about  
24 12:30.

25 (Jury not present.)

1 (Recess.)

2 (Jury present.)

3 THE COURT: Be seated, please.

4 And please call your next witness.

5 MS. DOZIER: Markquis Richard.

6 THE COURT: Right up here, please, sir. Would  
7 you please state and spell your name for my court reporter?

8 THE WITNESS: Markquis Jovoan Richard,  
9 M-A-R-K-Q-U-I-S R-I-C-H-A-R-D. Middle name is J-O-V-O-A-N.

10 THE COURT: You may proceed.

11 **MARKQUIS JOVOAN RICHARD,**

12 having been first duly sworn, testified as follows:

13 **DIRECT EXAMINATION**

14 Q. (BY MS. DOZIER) Mr. Richard, can you please  
15 introduce yourself to the members of the jury?

16 A. My name is Markquis Jovoan Richard.

17 Q. And how old are you?

18 A. 26 years old.

19 Q. Do you live here in this area?

20 THE COURT: Hang on just a second. Maybe pull  
21 that mic up. You have a really sort of deep, soft voice. I  
22 want to make sure everybody can hear you.

23 Would y'all let me know if you can't hear him,  
24 please? Okay. Somebody give us the hi sign. All right.

25 Maybe pull it closer to you. And the