

1 V. L. COOK,  
2 was called as a witness by the State and, having  
3 been duly sworn, testified as follows:  
4

5 DIRECT EXAMINATION  
6

7 BY MR. NOLL:

8 Q. Sir, would you please state your name  
9 for the members of the jury.

10 A. My name is Vincent L. Cook.

11 Q. If you can, remember to keep your voice  
12 up so this gentleman way back in the corner can  
13 hear you.

14 A. All right, sir.

15 Q. How are you employed?

16 A. I'm with the City of Houston Police  
17 Department.

18 Q. Are you assigned any particular division  
19 within the police department?

20 A. Yes, I am, patrol division, west side  
21 command station.

22 Q. And as a patrol officer, what are your  
23 duties? What do you do everyday?

24 A. Basically answer calls to disturbances,  
25 all kinds of police calls, write tickets and

1 observe different types of activities going on  
2 within my beat.

3 Q. And could you tell the jury kind of  
4 briefly where your beat is? What area of town is  
5 included in the area you patrol on a regular basis?

6 A. Basically it's from the point of Dairy  
7 Ashford and Westheimer eastbound to Gessner and up  
8 to the dividing point with Buffalo Bayou, runs  
9 east to west.

10 Q. Is that on the far west side of the City  
11 of Houston?

12 A. Yes, sir, it is.

13 Q. Is that area considered to be in Harris  
14 County, Texas?

15 A. Yes, it is, sir.

16 Q. How long have you been doing this kind  
17 of work?

18 A. Nine and a half years.

19 Q. How long have you been with the Houston  
20 Police Department?

21 A. Same amount of time.

22 Q. Have you been assigned to the west side,  
23 in that same area you just described, for a long  
24 time?

25 A. Approximately five years.

1           Q.    Were you assigned to that area back in  
2           September of 1988?

3           A.    Yes, I was.

4           Q.    Let me direct your attention, Officer  
5           Cook, to the late evening hours of September 26th  
6           of 1988.  Were you working that day?  That was a  
7           Monday.

8           A.    Yes, sir, I was.

9           Q.    And you were on your regular patrol  
10          duties?

11          A.    Yes, sir.

12          Q.    Did anything unusual occur that evening,  
13          specifically, with respect to the Fuddrucker's,  
14          which is located on South Kirkwood there in your  
15          district?

16          A.    Yes, sir.

17          Q.    Could you tell the jury what first  
18          happened that evening that was unusual?

19          A.    We were flagged down by a gentleman who  
20          had stated his wife had been missing; and we  
21          combed the area, which is a field, just north of  
22          that Fuddrucker's there.  As we were looking, a  
23          gentleman from the Fuddrucker's came running over  
24          to us, stated --

25               MR. McCULLOUGH:  Object to conversations

1 with third parties out of the courtroom, Your  
2 Honor.

3 BY MR. NOLL:

4 Q. Don't say what someone else said to you,  
5 if you will.

6 As a result of a conversation you had  
7 with someone out there, did you go someplace in  
8 particular in relationship to the Fuddrucker's?

9 A. Yes, sir, just in the northeast of that  
10 location was a field. I went into that field and  
-11 found a woman laying face down along a pathway  
12 that leads to some apartments east of the  
13 Fuddrucker's.

14 Q. Was this a dark night, moonlight night?  
15 Can you describe what it was like out there, the  
16 time of the evening?

17 A. I don't recall, sir, I'm sorry.

18 Q. Was it in the evening hours?

19 A. Towards the nighttime. It was dark,  
20 yes, sir.

21 Q. Okay. What hours do you work? Do you  
22 have a regular shift that you work out there?

23 A. Yes, sir, 10:00 p.m. to 6:00 a.m.

24 Q. Sometime after 10:00 p.m., when you came  
25 on duty?

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

2           Q.     Could you describe for the members of  
3 the jury this field or lot that you've talked  
4 about where you found the young lady?

5           A.     Most of the area east of the  
6 Fuddrucker's is covered by trees and high brush,  
7 approximately knee height, maybe two to three feet  
8 high.

9           Q.     Have you patrolled that area for a long  
10 time?

11          A.     Yes, sir, I have.

12          Q.     Are you familiar with that Fuddrucker's  
13 and that lot between it and the Lakehurst  
14 apartments behind it there?

15          A.     Yes, sir, I am.

16          Q.     Have you been out there for the last --  
17 how many years, I think you said?

18          A.     Approximately five years.

19          Q.     Five years; and you've been doing patrol  
20 work in that area?

21          A.     Yes, sir.

22                 MR. NOLL: May I approach the witness,  
23 Your Honor?

24                 THE COURT: You may.

25

1 (State's Exhibit Nos. 3  
2 through 6 were marked for identification.)

3 BY MR. NOLL:

4 Q. Officer Cook, let me show you what's  
5 been marked for identification as State's No. 5  
6 and 6. Without saying what they are, would you  
7 look at them and see if you recognize what those  
8 pictures depict?

9 A. State's Exhibit No. 6 --

10 Q. Don't say what they are first, okay?

11 A. Okay.

12 Q. Take your time. Look at 6 and look at 5.

13 A. All right, sir.

14 Q. Okay. Looking at these two pictures, do  
15 they accurately depict what they purport to  
16 represent; that is, the area of which they are a  
17 photograph of?

18 A. Yes, sir.

19 Q. Looking at State's Exhibit No. 6 first,  
20 what is this a picture of?

21 A. Appears it be a picture of a business.

22 Q. Okay. Is this the Fuddrucker's building  
23 on Kirkwood Street in your district?

24 A. Yes, sir.

25 Q. Does the photograph also show the field

1 or the lot that you've described and the paths  
2 that are behind it?

3 A. Yes, sir.

4 Q. Okay. Also, State's Exhibit No. 5, does  
5 it also show the same Fuddrucker's building from a  
6 different perspective?

7 A. Yes, sir.

8 Q. Does it also show the apartment complex  
9 known as the Lakehurst apartments?

10 A. Yes, sir, it does.

11 Q. Have you patrolled through those  
12 Lakehurst apartments before, made calls there?

13 A. Yes, sir.

14 Q. You're familiar with what it is and  
15 where they're located?

16 A. Yes, sir, I am.

17 Q. Is this area specifically in Harris  
18 County, Texas?

19 A. Yes, sir, it is.

20 MR. NOLL: Your Honor, I tender to  
21 counsel for State's Exhibits 5 and 6, and move the  
22 same into evidence at this time.

23 MR. McCULLOUGH: No objection, Your  
24 Honor.

25 THE COURT: They'll be admitted.

1 BY MR. NOLL:

2 Q. Officer, if you could, using my pen,  
3 would you point to the area on State's Exhibit  
4 No. 6 where you found the body of the young woman  
5 that you described. If you can, do it so that our  
6 thirteenth juror down here could see.

7 MR. NOLL: Your Honor, could I ask him  
8 to step down? I know it's difficult to see.

9 BY MR. NOLL:

10 Q. Officer, if you could step down here.

11 A. (Witness complies.)

12 Q. If you could for the members of the jury,  
13 point to the area on the exhibit where you found  
14 the little girl's body.

15 A. Approximately in this area right here.

16 Q. Okay. And that's on the wooded kind of  
17 area between the Fuddrucker's building and the  
18 apartment complex behind it?

19 A. Yes, sir.

20 Q. Could you describe to the members of the  
21 jury the condition of the young woman as you found  
22 her?

23 A. She was laying face down in a direction  
24 which would be -- her head faced west and her feet  
25 were pointed east. She was breathing, I could see



1 her chest rising up and down, and I noticed there  
2 was blood around her neck and on the ground below  
3 her.

4 Q. Do you recall how she was dressed?

5 A. No, sir, I don't. I believe it was some  
6 light colored clothing but I don't know if it was  
7 a dress or pantsuit.

8 Q. Did you have a lantern or flashlight  
9 with you out there that night?

10 A. Yes, sir, I did.

11 Q. Were there any streetlights that  
12 illuminated the area where you found the little  
13 girl's body?

14 A. Yes, sir.

15 Q. So, it was pretty dark?

16 A. Yes, sir, it was.

17 Q. Was the lot grown up grass or was the  
18 grass low or what was it like?

19 A. The pathway itself was beaten down. The  
20 surrounding area is about two or three feet high,  
21 of weeds.

22 Q. Are there any buildings in that little  
23 area right there?

24 A. Yes, sir, on the south side of that  
25 beaten path, there's a small little house.

1           Q.    Is it a house that's owned or is it an  
2 empty house?

3           A.    Didn't appear to be, no, sir.

4           Q.    Did you see anybody else out there on  
5 that path, as you continued to look?

6           A.    Yes, sir, I did.

7           Q.    Who did you see?

8           A.    A small boy, his race was black. He was  
9 laying also face down and his head was pointing  
10 toward a northeast direction, his feet towards a  
11 southwest direction.

12          Q.    Was he alive or dead?

13          A.    In my opinion, he was dead.

14          Q.    Did you attempt to revive the child or  
15 shake him or do anything --

16          A.    Yes, sir, I did.

17          Q.    Could you tell if he was breathing or  
18 not?

19          A.    He was not breathing.

20          Q.    Did you notice any wounds on him that  
21 you saw?

22          A.    Yes, sir, I did.

23          Q.    Where were those wounds and could you  
24 describe them for the members of the jury?

25          A.    The best recollection I have is that

1       there was a stab wound to his shoulder and to the  
2       back of his head.

3             Q.     What did you do after you found those  
4       children?

5             A.     I immediately notified our dispatcher to  
6       have an ambulance and possibly Life Flighting them  
7       out.

8             Q.     And then what happened?

9             A.     I called for backup, additional officers  
10      arrived. We cornered off the scene for protective  
11      measures and my partner went out and looked for  
12      any suspects that might be in the area.

13            Q.     Were you able to find anybody in the  
14      area, any person?

15            A.     No, sir.

16            Q.     Did you look real good? Did y'all check  
17      that field and the area around it for any other  
18      suspects that might be in the area?

19            A.     Personally, I stayed with the children.

20            Q.     Did other officers, though, conduct an  
21      inspection or search the area?

22            A.     Yes, they did.

23            Q.     In fact, did they bring out a helicopter  
24      and look around there?

25            A.     Yes, sir, they did.

1           Q.    Were any suspects immediately arrested  
2 or apprehended?

3           A.    Not to my knowledge.

4           Q.    Was Sergeant D. Hamilton one of the  
5 persons who responded to assist you in this case?

6           A.    Yes, sir, he did.

7           Q.    Is Sergeant Hamilton one of your  
8 supervisors or how does that work out there?

9           A.    One of the supervisors there at the  
10 station, yes, sir.

11          Q.    Did you see Sergeant Hamilton when he  
12 arrived at the scene?

13          A.    Not immediately, no.

14          Q.    Did you talk to Sergeant Hamilton any  
15 out there?

16          A.    Yes, sir.

17          Q.    Did you tell him what you had found?

18          A.    Yes, sir.

19          Q.    Did you direct him to the area where you  
20 had located the young woman?

21          A.    I didn't. I was staying with the little  
22 boy.

23          Q.    After you found the little boy, I  
24 believe you testified he was lying face down; is  
25 that correct?

1           A.    Yes, sir.

2           Q.    Did anybody turn him over?

3           A.    I did.

4           Q.    You turned him over.  At that point is  
5 when you checked for any life signs; is that  
6 correct?

7           A.    Yes, sir.

8                   MR. NOLL:  May I approach the witness,  
9 Your Honor?

10                  THE COURT:  You may.

11                               (State's Exhibit No. 7 was  
12 marked for identification.)

13 BY MR. NOLL:

14           Q.    Officer Cook, let me show you what's  
15 been marked for identification as State's Exhibit  
16 No. 7.  I'm going to ask you if you recognize this  
17 photograph.

18           A.    Yes, sir, I do.

19           Q.    Does this photograph accurately depict  
20 the little boy when you found him on the field on  
21 September 26th, 1988?

22           A.    Other than being turned over, that's  
23 exactly how I found him.

24           Q.    Was his shirt pulled up when you found  
25 him?

1           A.    No, sir.

2           Q.    Someone else pulled it up?

3           A.    Yes, sir, I did.

4           Q.    That was to reflect his wounds?

5           A.    Yes, sir.

6                   MR. NOLL:   Your Honor, at this time I  
7 tender State's Exhibit No. 7 to counsel for the  
8 defendant and move the same into evidence at this  
9 time.

-10                   MR. McCULLOUGH:   Would object to State's  
-11 Exhibit 7 on the grounds that it is inflammatory.  
12 It can only inflame the minds of the jury.  It's  
13 cumulative evidence and we would object to its  
14 admission.

-15                   THE COURT:   Be overruled.  State's  
16 Exhibit 7 will be admitted.

17           BY MR. NOLL:

18           Q.    Officer, did you notice on the little  
19 boy whether or not he appeared to have been  
20 involved in a struggle of any kind?

21           A.    No, sir, I couldn't tell.

22                               (State's Exhibit Nos. 8 and 9  
23 were marked for identification.)

24           BY MR. NOLL:

25           Q.    Did you also notice, in addition to the

1 injuries depicted in the previous exhibit to the  
2 front of the child, any injuries on his back side?

3 A. Yes, sir.

4 Q. Let me show you what's been marked as  
5 State's Exhibit No. 8. Does this photograph  
6 depict the injuries to the back of the child as  
7 you observed them that night?

8 A. Yes, sir.

9 Q. Also let me show you State's Exhibit No.  
10 9. Does this depict the child's feet as you  
11 observed them that night?

12 A. Yes, sir.

13 MR. NOLL: Your Honor, we would offer,  
14 having tendered same to counsel for the defendant,  
15 State's Exhibit 8 and 9.

- 16 MR. McCULLOUGH: We would object to  
17 State's Exhibit 8 for the grounds previously  
18 stated in that it can only serve to inflame the  
19 minds of the jury and does not add anything to the  
20 testimony the officer's already given.

21 THE COURT: State's Exhibit 8 and 9 will  
22 be admitted.

23 BY MR. NOLL:

24 Q. Officer, does State's Exhibit No. 7  
25 accurately depict the injuries to the front of the

1 child that you observed on him on September 26th,  
2 when you found the child in that field?

3 A. Yes, sir, it does.

4 Q. After you examined the child's back,  
5 could you describe to the jury the nature of the  
6 wound depicted in State's Exhibit No. 8, which is  
7 the shoulder wound?

8 A. It appeared to be an exit wound.

9 Q. In State's Exhibit No. 9, the child's  
10 foot appears to be out of his sandal. Was it like  
11 that when you found it?

12 A. Yes, sir, I believe it was.

13 Q. Certainly you didn't remove the child's  
14 foot from his sandal, did you?

15 A. No, sir, I did not.

16 Q. Do you know what the items are which are  
17 wrapped around the child's leg, apparently?

18 A. I'd have to see the picture again, sir.

19 Q. Do you recall them being there at the  
20 scene when you were there?

21 A. Appears to be some sort of plastic bag  
22 wrapped around his leg.

23 Q. Is that the same as it was when you  
24 found the child that evening?

25 A. Yes, sir, it was.



1           Q.     Following the arrival of Sergeant  
2     Hamilton, were you involved any further in the  
3     ongoing investigation as to who committed these  
4     offenses, beyond just the finding of the children?

5           A.     No, sir, I was not.

6           MR. NOLL:   We pass the witness.

7           THE COURT:   Mr. McCullough.

8  
9                   CROSS EXAMINATION

10  
11          BY MR. McCULLOUGH:

12           Q.     Did you find or observe anything at the  
13     scene that would give you any indication at all of  
14     the time that these attacks happened?

15           A.     No, sir.

16           Q.     And obviously you didn't see any  
17     suspects in the area?

18           A.     That's correct, sir.

19           MR. McCULLOUGH:   Pass the witness.

20           MR. NOLL:   Nothing further, Your Honor.

21           THE COURT:   May this witness be excused?

22           MR. NOLL:   Yes, Your Honor.

23           THE COURT:   Thank you, Officer Cook, you  
24     may go about your duties.

25                   Call your next, counsel.

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MR. NOLL: Sergeant D. Hamilton, Your  
Honor.

THE COURT: You may proceed, Mr. Noll.

MR. NOLL: Thank you, Your Honor.