

1 **OFFICER ERNESTO AGUILERA,**
2 having been first duly sworn, testified as follows:

3 **DIRECT EXAMINATION**

4 BY MS. COOPER:

5 Q Officer, can you introduce yourself to the
6 members of the jury, please.

7 A Yes. My name is Ernesto Aguilera. I'm a
8 Houston police officer, assigned to the
9 identification division.

10 Q All right. And how long have you been a
11 Houston police officer?

12 A Approximately 18 years.

13 Q Can you tell the members of the jury about
14 your background, your education and training?

15 A Yes. I went through the police academy.
16 Graduated from the police academy in '95, and I was
17 assigned to the Northeast police station. I trained
18 there and I stayed there until '99. While I was at
19 the police station, I was responding to calls for
20 citizens. I applied with the -- the unit. And in
21 '99 I transferred over to the crime scene unit.

22 Q What is the crime scene unit.

23 A We are responsible for the documentation,
24 the collection and the submission of evidence.

25 Q As a crime scene unit, what is -- are you --

1 could you explain to the jury the difference between
2 the first responding officers and the crime scene
3 unit officers?

4 A Yes. A first responding officer is -- is a
5 officer that's in a blue and white police car or
6 black and white now. When a citizen calls and is
7 asking for an officer, they are the first ones to
8 arrive. Whether it be for whatever reason, they will
9 arrive.

10 And if it's serious call, we respond
11 to -- to the homicides, officer involved shootings,
12 et cetera. When it's that serious, the first
13 responder, the police officer, will get some
14 information and they will call homicide division,
15 relay all that information to them.

16 And then from there, homicide division
17 will give us a call, the identification division, and
18 -- and relay that same information to us, and then
19 that's when we respond to a crime scene.

20 Q So you don't respond to all types of crimes?

21 A No, we do not.

22 Q Just homicides?

23 A It will be homicides, officer involved
24 shootings, any death that -- that is suspicious or
25 has a question.

1 Q Okay. And when you go out there, by the
2 time a CSU officer arrives at a scene, has it already
3 been secured and taped off by the patrol -- first
4 responding officers?

5 A Well, the first responding officers, once
6 they secure the crime scene, whether it being just
7 being there or their mere presence, the police car to
8 crime scene tape, there's several ways to protect a
9 crime scene. And the -- they are the first
10 responders and we are not there usually first. Or we
11 are -- we are never there pretty much when the -- the
12 -- actually the scene is going on.

13 Q I want to talk to you about May 19th of
14 2011. Were you still assigned to the crime scene
15 unit back then?

16 A Yes. I was assigned to the night shift. I
17 currently work the day shift now.

18 Q Okay. Now, you said you're assigned to
19 identification. What's the difference between
20 identification and crime scene unit?

21 A The identification division is the umbrella
22 of the -- the crime scene unit, the crime lab. It's
23 been probably about a year or so since we did a
24 switch to we were under the -- the homicide division,
25 and then they -- so they created the identification

1 division, which is the umbrella of the crime lab, the
2 crime scene unit latent lab. The other labs.

3 Q All right. So your responsibilities are all
4 the same?

5 A Yes. The -- the -- nothing changed from the
6 transition from one to the other.

7 Q All right. On May 19th of 2011, did you
8 respond to 4206 Groton Street in Houston, Texas?

9 A Yes, I did.

10 Q Is that location located in Harris County,
11 Texas?

12 A Yes, it is.

13 Q Now, do you -- around what time of the
14 evening was it when the first call came in to tell
15 you to go to that location?

16 A I received it -- I was en route to the call
17 at 10:40 at night. So we get the call over the phone
18 a few minutes before, maybe ten or 15 minutes, till
19 we get the call. And then we have to load up our
20 equipment into our vehicles and then drive out to the
21 scene.

22 So I was en route to the scene at 10:40
23 at night.

24 Q And like you said earlier, you're obviously
25 not the first responder, but do you know what time

1 the call dropped?

2 A No, I do not.

3 Q All right. You know that it was some time
4 prior to your arriving on scene?

5 A Yes.

6 Q And how long usually, if there is a usually,
7 does it take, you know, from the time the call drops
8 until the crime scene unit gets there?

9 A That --

10 Q I suppose that's different with every case?

11 A Yes. That's different in every case. There
12 might be a suspect that still hasn't been found in
13 the area. So it -- and it just depends on the scene.

14 Q Okay. All right. So when you arrive out at
15 the scene, can you just kind of describe for the jury
16 and what it was -- and what it was that you were
17 doing out there, what your duties were?

18 A Yes. When I arrived there, there was a
19 police officer there in uniform. There was police
20 cars there. And I do these steps every time. I meet
21 with the officers -- the first responders. Or if a
22 homicide investigator is already at the scene, I meet
23 with them. In this particular case, there was a
24 homicide investigator who was already at the scene.

25 So I met with him, obtained details

1 about the scene, and then we do a walk-through. And
2 that's going through the scene without moving or
3 touching anything, just to see how we're going to
4 process the scene, what type of evidence we can see,
5 and if we need any equipment or additional personnel.
6 So that's a walk-through. And then from there, we
7 back up and then start processing the scene.

8 Q Okay. And what do you mean by processing
9 the scene?

10 A You have to look for what's visual, without
11 moving or anything like that. You grab a evidence
12 marker, it's usually yellow or white with a number on
13 it. And as we're searching the scene, we start
14 marking evidence. And that doesn't mean how the --
15 the incident occurred 1, 2 and 3. That-- that's just
16 means how we're locating the evidence, okay?

17 Q Did you take photographs in this particular
18 case?

19 A Yes, I did.

20 Q Did you -- what else did you do besides
21 taking photographs and walking through the scene?

22 A As part of the documentation -- we -- to
23 photograph the -- through the crime scene, we
24 videotape the crime scene, we do a drawing with --
25 approximate to measurements, and then we collect the

1 evidence.

2 Q Okay. To your knowledge -- or did you have
3 any knowledge at all whether or not they had a
4 suspect at the time that you arrived on scene?

5 A I was not told that there was a suspect in
6 custody, no.

7 MS. COOPER: May I approach the
8 witness, Your Honor?

9 THE COURT: You may.

10 Q (BY MS. COOPER) Officer Aguilera, I want to
11 show you State's 1 through 3, and then 10 through 61.
12 Obviously, these are not all of the photographs that
13 you took, but if you can look at these and tell me
14 whether or not they fairly and accurately depict the
15 house? There's a couple from the day -- daytime,
16 which was a couple days later, but then the rest are
17 from that night.

18 Do they fairly and accurately depict
19 the scene and the way the house looked?

20 A (Witness complies.)

21 This one too?

22 Q Yes.

23 A (Witness complies.)

24 Q Do they fairly and accurately -- do the
25 photographs fairly and accurately depict the way the

1 -- 4206 Groton looked when you were there that night?

2 A Yes.

3 Q And then State's Exhibit Number 10 is a
4 diagram.

5 Is this the diagram that done by you?

6 A Yes, it is.

7 Q Okay. And is that your name at the bottom?

8 A Yes, it is.

9 Q And what's the diagram a depiction of?

10 A This is of the interior of -- of the home --
11 of the living room's area and the approximate
12 location of a bedroom and a kitchen.

13 MS. COOPER: Your Honor, at this time
14 I'm tendering to opposing counsel States 1 through 3
15 and then 10 through 61, for any objections that he
16 may have, and then ask that they be admitted in to
17 evidence?

18 THE COURT: All right.

19 MR. MAYR: Brief voir dire, Your Honor?

20 THE COURT: You may.

21 **VOIR DIRE EXAMINATION**

22 BY MR. MAYR:

23 Q Officer Aguilera, I'm showing you State's
24 Exhibit Number 1. This one photo appears to be
25 unlike the other photos taken during the daytime; is

1 that correct?

2 A Yes, that is correct.

3 Q Did you actually go out to Groton during the
4 daytime or were you only there that evening, on
5 May 19th?

6 A I was only there that -- that night.

7 Q Okay. So, did you ever go to this -- back
8 to this residence during the daytime?

9 A No, I did not.

10 Q So, this photograph -- so, you don't know
11 that this is exactly what it looks like in the
12 daytime, correct?

13 A As far as the home or the vehicles or
14 specifically what?

15 Q Yes, all of that.

16 A Well, I'm sure the home is not going to
17 move, sir. So --

18 Q Okay.

19 A And the driveway is not going to move.

20 Q But the lighting conditions and everything
21 else like that, you wouldn't be able to tell this
22 jury that this is what it looked like during the
23 daytime, because you never went out there, correct?

24 A I can only testify to it just as far as the
25 layout. But like as far as lighting, no, I cannot.

1 Q Okay. Fair enough.

2 MR. MAYR: That's all I have on my voir
3 dire, Your Honor. If I may just have a moment?

4 THE COURT: All right.

5 (Attorneys confer.)

6 MR. MAYR: Okay. Judge, we've seen 10
7 before. Judge, we have no objection to State's 1
8 through 3, 10 through 61.

9 THE COURT: All right. State's 1
10 through 3, 10 through 61 are admitted.

11 (State's Exhibit Nos. 1 through 3 and
12 10 through 61 were admitted.)

13 Q (BY MS. COOPER) All right. Officer Aguilera,
14 I want to start by showing you State's Exhibit Number
15 1.

16 Now, this is the daytime photo; is that
17 right?

18 A Yes.

19 Q Okay. And you didn't actually take this
20 photograph, did you?

21 A No. No, I did not.

22 Q Was that done by another CSU officer?

23 A Yes.

24 Q Officer Pemberton?

25 A Yes.

1 Q And she went out the next day and actually
2 took the photograph? Or whatever -- another couple
3 of days later?

4 A She -- she took the photograph, but I -- I
5 don't know what day she went.

6 Q But as far as the house, 4206 Groton, this
7 is the daytime photo of the house?

8 A Yes.

9 Q All right. And do you recognize it as the
10 same house that you responded to on the evening of
11 May 19th of 2011?

12 A Yes.

13 Q Okay. And is it -- what -- is it the front
14 side of the house?

15 A Yes, that's correct.

16 Q Okay. Can you describe to the jury whenever
17 you got there on the evening of May 19th of 2011, was
18 the house looking -- did it look the same?

19 A As far as where the window placement and
20 door placement and stuff like that, yes, it -- so it
21 appears to be the same.

22 Q And now, I want to show you to State's
23 Exhibit Number 11.

24 Now, was this one of the photographs
25 that you took on the night of May 19th of 2011?

1 A Yes, it is.

2 Q What are we looking at here?

3 A You're looking at the front door from the --
4 the driveway area looking in toward the front door.

5 Q Was there anything that you took note of at
6 this point, before you entered the house, anything
7 that caught your attention at this point?

8 A Well, when I stood here -- or during the
9 walk-through, I observed a couple of things.
10 Obviously, the -- there are some bullet holes in the
11 door. And that was visible without a flashlight.
12 The -- the light was on and you can tell by the
13 picture that it's on.

14 Q So, when you get there, the porch light is
15 on?

16 A That is how I saw it.

17 Q Okay. Now, what about the lighting, because
18 it was dark, it was night outside; is that right?

19 A Yes.

20 Q Was there -- you can see the porch light
21 here, do you recall other artificial lighting, street
22 lights and things like that?

23 A I don't remember. I don't remember. But
24 I'm not responsible for that documentation.

25 Q Okay. So that would be through someone

1 else?

2 A Correct.

3 Q All right. Now, State's Exhibit Number 2.

4 What are we looking at here?

5 A We're looking toward the left side of the
6 house, if you're standing in front of it. Just -- I
7 just wanted to document what was on the ground and,
8 you know, kind of the -- the layout of the front of
9 the house.

10 Q Now, as you're going through taking
11 photographs, is this after you talk to the homicide
12 investigator?

13 A Yes.

14 Q So do you kind of have a general idea of
15 what happened in the case at this point?

16 A Not the specifics. Whenever we go through a
17 crime scene, we'll get there with the homicide
18 investigators, and they'll usually tell us, yes, a
19 person's been shot or a person's been stabbed, or
20 this occurred, you know. So we get an information --
21 some idea of what to look for.

22 So, yes, I met with the homicide
23 investigator prior to taking photos.

24 Q And if there's photographs that the homicide
25 investigators want you to take, do they, you know,

1 tell you to take them?

2 A Correct. They may be talking to some other
3 people and getting information that we don't know
4 about. So if -- they'll usually come to us and let
5 us -- they'll let us know if -- specific things to
6 look for or, you know, different areas of the scene
7 that were involved. So, yes, we communicate.

8 Q All right. So like on TV -- on television
9 shows, where we see the investigators that actually
10 go out to the scenes, they're the one that collects
11 the evidence and take the photographs and they do the
12 complete investigation.

13 Is that how it works in real life?

14 A With the Houston Police Department, it does
15 not work that way. The smaller agencies that, you
16 know, that's, you know, that's how it happens. You
17 know, they're a small agency, not enough personnel.
18 But with the Houston Police Department, we're just --
19 we just concentrate on the crime scene.

20 Q Okay. So you're out taking photographs and
21 then there's a separate investigator that's doing the
22 investigation?

23 A That's talking to neighbors or other people
24 and getting information. We don't talk to the
25 neighbors or a witness or anything like that, no.

1 Q That's left to some -- another person?

2 A That's correct.

3 Q All right. Okay. So, if we go back to
4 State's Exhibit Number 1, we're looking at the front
5 of the house. All the way over here to -- if you're
6 looking at it, to the left corner, you can see a
7 window.

8 Is that the same window that's shown
9 here in State's Exhibit Number 2?

10 A Yes.

11 Q Okay. And is that the front window of the
12 house?

13 A Yes.

14 Q Or one of them. There's also another one
15 close -- on the left side of the first?

16 A To the right side?

17 Q There's a window on both sides?

18 A Yes, there is.

19 Q But when you're looking at State's Exhibit
20 Number 2, the window furthest back, on the right,
21 is -- that's the front window that's shown here in
22 State's Exhibit Number 1, all the way to the left of
23 the house?

24 A Yes.

25 Q Okay. And State's Exhibit Number 12?

1 MR. MAYR: Britni, hold on.

2 (Attorneys confer.)

3 Q (BY MS. COOPER) All right. And then State's
4 Exhibit Number 12, what is this?

5 A That is the other side of the front of the
6 house. The previous picture we saw was to the left
7 side of the door, if you're standing outside. This
8 photo here is looking toward the right side of the --
9 of the -- of the door or on the right side of the
10 door in the front of the house, now.

11 Q And State's Exhibit Number 13, what is this?

12 A If you're standing in front of the door, but
13 outside and you're looking into the -- into the home,
14 that's what you would see, to the furniture and some
15 walls.

16 Q Now, when you go to State's Exhibit Number
17 14, can you see further into the living room area of
18 the house?

19 A Yes.

20 Q Okay. And you can see there's some little
21 cards that have numbers on them. What are those?

22 A Those are the evidence markers that -- that
23 I talked about earlier. When you do a search and as
24 you're locating items, you mark those items with a
25 number.

1 Q Okay.

2 MS. COOPER: Your Honor, may we
3 approach?

4 THE COURT: You may.

5 (Bench Conference.)

6 MS. COOPER: There's a few photos that
7 I'm going to show.

8 THE COURT: Can you hear?

9 THE COURT REPORTER: Yes, sir.

10 THE COURT: Go ahead.

11 MS. COOPER: There's a few photos that
12 I'm going to show that have a little bit of blood in
13 them, not a whole lot, just a little bit. There's no
14 body on the scene photos. So I didn't know if we
15 wanted to have the juror that wanted to be made aware
16 ahead of time. If you want to give her a warning or
17 not. It's not very --

18 MR. MAYR: It's not very graphic, but
19 just out of an abundance of caution, I don't want her
20 to --

21 THE COURT: Well, you can -- but you
22 can give her a warning. You can just say, I'm going
23 to show you some pictures that are going to have some
24 close ups of what appears to be blood.

25 MS. COOPER: Okay.

1 THE COURT: And I'm going to talk about
2 that briefly. And I'm going to show them to you.
3 And then we'll --

4 MS. COOPER: Okay.

5 MR. MAYR: And I'll keep it that way.

6 (Bench Conference Concluded.)

7 (Discussion off the record.)

8 THE COURT: You may proceed.

9 Q (BY MS. COOPER) Now, in the house as we're
10 walking through the house, there's a little bit of
11 blood; is that right?

12 A Yes.

13 Q All right. I'm going to show you some of
14 the pictures -- you took pictures of some of the
15 blood?

16 A Yes, I did.

17 Q But was it -- was it a whole lot of blood?

18 A No.

19 Q Okay. Was the body still there when you got
20 there?

21 A No.

22 Q Did you know where the body was at that
23 point?

24 A No.

25 Q Okay. But there's no body in these

1 photographs?

2 A No, there is not.

3 Q And not a lot of blood?

4 A No.

5 Q Okay. So I want to go to State's Exhibit
6 Number 15. What are we looking at here?

7 A We are standing by the front door area, and
8 we're looking in to the home. Mentioned earlier
9 about some numbers, the placards, there are -- the --
10 those are the ones that are on the floor in this
11 photo here.

12 THE COURT: Are you talking about those
13 little white things, like cards?

14 THE WITNESS: Yes, sir. Here's one,
15 here's another one. These are the placards there.

16 THE COURT: Okay.

17 Q (BY MS. COOPER) And what are the -- you said
18 the evidence placards, but what kinds of things are
19 you putting placards by?

20 A These -- it could be a casing, a bullet, you
21 know, those things. Since it's a firearms related
22 scene, that's what we're looking for. In this
23 particular case, I was -- to locating bullets or
24 fragments, you know, little pieces of bullets.

25 Q And were there bullets that were found?

1 A Yes.

2 Q And those were indicated by the evidence
3 placards -- or some of them?

4 A Yes.

5 Q Okay. And we'll get into that in a little
6 bit. And then placard number 3, what is that right
7 there (indicating)?

8 A These are some blood stains that I saw on
9 the floor. You can kind of see them here in the --
10 next to the placard there's a blood stain there
11 (indicating), and there's some more right here
12 (indicating).

13 Q And then State's Exhibit Number 16, what --
14 is this a different angle of the living room?

15 A Yes. Now, we're in the -- on the far end of
16 the living room. Now, we're facing toward the front
17 door. And these are the same placards we've been
18 talking about with the evidence numbers.

19 Q And you have placard 1 -- you can see here
20 in the back, closest to the TV, you know, placard 3.
21 In front of that, placard 4. Over -- to the right
22 next to the first love seat/couch that you see in the
23 placard 5. Was there a placard 2?

24 A Yes.

25 Q And where was that?

1 A That was located in the corner area of the
2 living room here (indicating), to the left of this --
3 of the TV.

4 Q And then I want to show the jury your
5 diagram.

6 If you can explain this, what we're
7 looking at here. I'm going to zoom in a little bit.
8 And -- well, which way is better for you?

9 A The front door up. So we can keep --

10 Q This way?

11 A Keep that black arrow up.

12 THE COURT: Okay. On that note, mark
13 your spots. We're going to take a brief break. Got
14 to resume court business for a few minutes and resume
15 the trial. It's been an hour and five minutes since
16 you've been out here. We usually take a break about
17 an hour and a half. Right now is a good stopping
18 point to take care of court business for a few
19 minutes and resume the trial. Lunch will be about
20 1:00 o'clock or so.

21 At this time, remember the instructions
22 I gave you. Don't discuss the case at all. Don't do
23 any kind of independent investigations. Don't drive
24 by the scenes later tonight or any time, et cetera,
25 et cetera.

1 If you would, go with the bailiff,
2 please.

3 THE BAILIFF: All rise. Come this way.

4 (Jury exits courtroom.)

5 (Recess.)

6 (Jury Panel enters courtroom.)

7 (Open court; defendant and jury panel
8 present.)

9 THE COURT: Be seated, please.

10 Ms. Cooper, you may proceed.

11 **DIRECT EXAMINATION (continued.)**

12 BY MS. COOPER:

13 Q All right. So we're looking at State's
14 Exhibit Number 10, which is the diagram in the case.

15 Now, I want you -- if you can just kind
16 of give the jury -- explain the layout and what we're
17 looking at here?

18 A The top of the diagram will be the front
19 door here. As to you're walking in, you see there's
20 number 1 and number 3. Those are the evidence
21 markers that we had talked about earlier. And I
22 mentioned that number 2, that was in a corner of the
23 living room, here's that number 2 there.

24 So we saw a picture that I took from
25 here toward the front door. But this is kind of the

1 area that we're looking at. So this is the living
2 room here. To the right of the -- the living room
3 area here, I've got an -- what we call an exploded
4 view of this area, the front door. And I have
5 labeled it here, exterior view of door. And it's got
6 a A, B, C, D and E and F.

7 Q And what is the A, B, C, D, E and F?

8 A Those are bullet holes that I labeled as A,
9 B, C, D, E and F. Each one of those is a bullet hole
10 on that door.

11 Q Okay. So the door is actually pulled out
12 and put on the diagram. But the front door is
13 actually, you can see it -- the line at the front of
14 the house, open?

15 A Yes.

16 Q And then on the other side of the -- if
17 you're looking at the diagram, the front of the house
18 is -- is that what's by the arrow that's pointing up
19 north?

20 A Yes. The -- we mentioned earlier two
21 windows on each side of the front door, well, the
22 windows would be located here. There would be one
23 here and there would be another one here. And the
24 street would be above this here (indicating). So,
25 the front street would run this way.

1 Q Okay. And that's from left to right above
2 the arrow that has the north?

3 A Yes.

4 Q Okay. And then there's another bedroom on
5 the left side of the living room; is that right?

6 A Yes.

7 Q The master?

8 A I have it labeled here as a bedroom. And on
9 the right side of the living room is another bedroom
10 here. So I have those labeled there.

11 THE COURT: Okay. When you say "right
12 side," right side as you're looking at this
13 photograph?

14 THE WITNESS: Correct.

15 THE COURT: I mean this diagram. Okay.
16 Go ahead.

17 Q (BY MS. COOPER) And so there's a master
18 bedroom on -- if you look -- if you're looking at the
19 diagram, the bedroom to the left of the living room,
20 is that the master bedroom?

21 A It appeared to be -- the -- to the master
22 bedroom.

23 Q Okay. And then if you're looking at the
24 diagram, the bedrooms to the right -- you have
25 "bedrooms." And there are two bedrooms over here on

1 this side?

2 A Yes.

3 Q Okay. And then if you go down underneath on
4 the bottom part of the diagram, you go through the
5 living room and then underneath that, is that where
6 the kitchen is?

7 A Yes.

8 Q And was there anything you noted in the
9 kitchen?

10 A Yes. There was a -- the glass of a -- of
11 the sliding door was broken. And that was on the
12 furthest south or the furthest wall in the kitchen,
13 and I have it labeled here, "broken glass sliding
14 door."

15 Q Okay. So if we walk in through the front
16 door, we're walking in and you look directly to the
17 -- your right as you're walking in, what do you see?

18 A So if you're walking in to the right, you
19 would see a TV.

20 Q Okay. And that's State's Exhibit Number 17?

21

22 A Yes.

23 Q And then State's Exhibit Number 18, is the
24 living room. And you can see the kitchen area in the
25 back?

1 A Yes.

2 Q And State's Exhibit Number 19, if you
3 continue through the living room, do you get closer
4 to the kitchen?

5 A Yes.

6 Q And then if you continue into the kitchen,
7 if you can tell the members of the jury what you saw.
8 I'm going to show you here State's Exhibit Number 20.
9 What are we looking at here?

10 A If you go into the kitchen to the right side
11 along the wall, this is what I saw. I saw glass on
12 the floor and what's -- it's a partial-- it's a
13 curtain up and there -- the sliding door glass was
14 broken.

15 Q Did you remove the curtain, and it looks
16 like a shirt that's up here hanging over the curtain
17 bar?

18 A Yes, I did.

19 Q Okay. I want to show you State's Exhibit
20 Number 21. What are we looking at here?

21 A The broken glass with the curtains down --
22 or the blinds down. And -- so you can see on the
23 left side where the broken glass is.

24 Q If you go back to State's Exhibit Number 18,
25 the diagram, you can see the couch on the right side.

1 And when you walk past the couch and turn to the
2 right, by evidence marker number 3, is there a
3 doorway right here (indicating)?

4 A Yes.

5 Q I want to show you State's Exhibit Number
6 22. Is this, in State's Exhibit Number 22, the
7 doorway looking into the bedroom that you can see --
8 is that the doorway that's right past the couch that
9 we saw in State's Exhibit Number 18?

10 A Yes, it is.

11 Q All right. And when you -- what is it
12 that's on the ground?

13 A Blood stains of -- what I believed to be
14 blood was on the floor and I also saw some more
15 stains on the carpet inside the bedroom.

16 Q All right. And was it like a trail that led
17 all the way in to the bedroom?

18 A Yes.

19 Q And if you look at State's Exhibit Number
20 23, what is this?

21 A That's the overall layout of that same
22 bedroom we were talking about, with the blood stains
23 on the ground.

24 Q Okay. And is that the bedroom that I
25 referred to as the master bedroom. But if you look

1 back here in State's Exhibit Number 10 on the
2 diagram, the bedroom to the right -- or I'm sorry, to
3 the left of the living room, if you're looking down
4 at the diagram?

5 A Yes.

6 Q And then State's Exhibit Number 24, is this
7 that same bedroom?

8 A Yes, it is.

9 Q Is there also -- there appears to be a
10 window or some kind of curtain hanging over that
11 bedroom?

12 A Yes.

13 Q If you go back to State's Exhibit Number 1,
14 which is the front of the house, can you see the
15 window that was on the other side of the bedroom
16 shown in State's Exhibit Number 24?

17 A Yes. It's in front of the vehicle in this
18 area here (indicating), to the right of our photos.

19 Q All right. And then if you go back to
20 State's Exhibit Number 17, which is the television,
21 is there a window that's right behind this
22 television?

23 A Yes.

24 Q And can you see -- also see that in State's
25 Exhibit Number 1?

1 A Yes. It is to the right of the door in this
2 photo here.

3 Q Okay. The closest window to the right of
4 the door?

5 A Correct.

6 Q Now, if we go back to the master bedroom,
7 shown here in State's Exhibit Number 24, if you are
8 walking out of the bedroom back into the living room,
9 is this the view that you see here in State's Exhibit
10 Number 25?

11 A Yes. At the top of this photo here, on
12 State Exhibit Number 25, you can see a placard or an
13 evidence marker, and that's in the living room. So
14 we're inside the -- that bedroom looking toward --
15 toward the living room.

16 Q And can you see the little bit of blood
17 stains on the carpet?

18 A Yes. Yes, you can. There's some stains
19 here and smaller stains here, and along the edge of
20 the door area.

21 Q Now, if you're looking at State's Exhibit
22 Number 25, as you look straight ahead, you can see
23 the living room. If you look to right, there's
24 another doorway, as you walk out of the living -- the
25 bedroom into the living room, what is that doorway to

1 the right?

2 A I believe it was a closet.

3 Q If I show you State's Exhibit Number 26, can
4 you see into that -- the doorway that was shown in
5 State's Exhibit Number 25?

6 A Yes. It is a closet. To the left of that
7 there's the living room. So you're in that same area
8 of the living room and the bedroom. So it's closet.

9 Q Now, I want to go back to the diagram, the
10 State's Exhibit Number 10.

11 If you're looking at the diagram, you
12 see the living room in the center. To the right
13 there's -- you've got -- indicated that there's some
14 other -- two other bedrooms?

15 A Yes.

16 Q Is there -- when you go through the doorway
17 leading into the bedrooms, is there a hallway in that
18 area that leads into the bedrooms?

19 A Yes. There is a small hallway here that --
20 that leads to the bedroom that's in the front of the
21 house, along the front wall of the house.

22 Q Now, I want to show you State's Exhibit
23 Number 27. If you -- looking at State's Exhibit
24 Number 27, you can see the back of the couch to the
25 left of the photograph, that's in the living room.

1 Is this the hallway that leads to the front bedroom?

2 A Yes.

3 Q All right. And if you continue to walk down
4 the hallway, and you see the opening to the very end
5 of the hallway to the right, what is that?

6 A That's going to be the bedroom, the inside
7 of the bedroom.

8 Q Now, if you walk into the bedroom -- let me
9 show you here State's Exhibit 3, what is this?

10 A That's the overall layout of that bedroom
11 that -- that we just talked about.

12 Q Now, if you look at the back of the bedroom
13 or the wall that's shown near State's Exhibit Number
14 3, there's curtains hanging up on the wall.

15 What was on the other side of these
16 curtains?

17 A There was a window there.

18 Q So go back to State's Exhibit Number 1, do
19 you see that window in State's Exhibit Number 1?

20 A Yes, I do.

21 Q Where is that? Can you point it out for the
22 jury?

23 A Yes. In this photo here, it will be to the
24 left of the front door. So I drew a circle on it.

25 Q So looking -- looking in the direction of

1 the photograph, it's to the left?

2 A Yes. This photograph here, it will be to
3 our left and I'll draw another circle here.

4 Q All right. So when you go into the bedroom,
5 this window on State's Exhibit Number 3, is facing
6 the front of the house.

7 Now, State's Exhibit Number 28, can you
8 see the same wall that's shown in State's Exhibit
9 Number 3?

10 A Yes.

11 Q And then you can see the window in State's
12 Exhibit Number 3, that's at the front of the house.
13 Can you see it -- on the left side of the photograph,
14 can you see the curtain sticking out? Is it -- are
15 those the same curtains as State's Exhibit Number 28?

16 A Yes.

17 Q So is State's Exhibit Number 28 the other
18 side or the rest of the room?

19 A Yes.

20 Q And what do we have here?

21 A Well, we have the layout of the room, TV --
22 you can see a TV and another curtain on the opposite
23 side of this photo here, along with the -- the
24 bedding in the middle of the photo.

25 Q Was there any -- were there actual -- or was

1 there an actual bed in this bedroom?

2 A I don't remember.

3 Q Well, does it -- can you see a bed? I mean,
4 it's a mattress.

5 A I can see the bedding and I don't remember
6 if it was a bed and box or -- and mattress or just a
7 box, I don't remember that.

8 Q Okay. And then I want to show you State's
9 Exhibit Number 29.

10 What are we looking at here?

11 A This is just a -- another photo of the
12 layout of a room. I don't remember where this room
13 was at.

14 Q All right. So go back to State's Exhibit
15 Number 10. We have the hallway and -- that leads to
16 the front -- on the right side of the living room, we
17 have the front bedroom and then this -- there's a
18 second bedroom. Is it on the right side of the
19 living room, if you're looking at the diagram in
20 State's Exhibit Number 10, or the left?

21 A There was a -- the previous photos that we
22 saw were of this bedroom here, and then there was
23 another bedroom on this side area (indicating).

24 Q Okay. All right. And so the bedroom down
25 at the -- you said that there's a bedroom at the

1 front, closest to the front of the house?

2 A Yes.

3 Q Which is the bedroom that we've already
4 discussed, that's shown in State's Exhibit Number 3?

5 A Correct.

6 Q And then you have another bedroom at --
7 towards the bottom of the diagram in State's Exhibit
8 Number 10?

9 A Yes. There -- there was another bedroom
10 there.

11 Q Okay. And then State's Exhibit Number 29 is
12 that the other bedroom?

13 A It appears to be the other bedroom.

14 Q Now, after you did a walk-through, there's
15 bathrooms and thing like that in the house. But for
16 the most part, are you -- after you walk through and
17 canvas the house are you looking for evidence?

18 A Yes.

19 Q All right. And did you find evidence that
20 was significant or important to this case?

21 A Yes.

22 Q And what kind of evidence is that?

23 A I saw bullets, bullet fragments, bullet
24 holes. So those are some of the items that I found
25 or that I saw.

1 Q I want to go back to State's Exhibit Number
2 18, just to look at the overview. After you took the
3 photographs, did you go back and start putting
4 placards and documenting the evidence that was
5 important to the cause?

6 A Of the -- the placards are placed before I
7 take my photos.

8 Q Okay.

9 A So the first thing I do is do a
10 walk-through, come back and start putting placards on
11 there and then I do my photographs.

12 Q And the placards indicate -- do those
13 indicate evidence that's important to the case?

14 A Yes.

15 Q All right. I want to start with placard
16 number 1, that you can see here in State's Exhibit
17 Number 18. If we go to State's Exhibit Number 30,
18 you can see it a little closer. What was in State's
19 Exhibit Number 1?

20 A The placard number one was a fired bullet.

21 MS. COOPER: And just for the record, I
22 misspoke. This is State's Exhibit Number 30. We're
23 talking about placard number 1, not State's Exhibit
24 Number 1.

25 Q (BY MS. COOPER) All right. So State's

1 Exhibit Number 31, is this a closer view of placard
2 number 1?

3 A Yes.

4 Q All right. And what was that?

5 A It was a fired bullet. So you see the fired
6 bullet below the evidence marker number 1 on this
7 photo.

8 Q Can you tell the members of the jury the
9 difference between a fired bullet and a bullet casing
10 or a shell casing?

11 A Yes. When you fire a gun, whether it being
12 a handgun, whether it being a revolver, semi-auto,
13 and the difference between one and the other is, when
14 you fire a revolver, the bullet casing stays in the
15 gun. In a semi-auto when you fire the gun, the
16 casing is ejected.

17 So when you fire the gun and if it's
18 working properly, the bullet will travel through the
19 front of the gun or the barrel, and go down to
20 wherever it's pointed at. And as a result, there's a
21 bullet here.

22 Now, again, if it's a semi-auto, the --
23 to the casing will eject to the right and to the
24 back. Or if it's a revolver, that casing has to
25 manually be extracted from the gun.

1 Q Okay. And a bullet casing -- let's say we
2 have a bullet that you put into a gun, are there --
3 does it come apart or how does that work? If you can
4 explain that to the jury?

5 A Just -- I know the basic operation.

6 Q Okay.

7 A Not in depth. But I know when you fire a
8 gun, there's an explosion within the bullet and the
9 casing. There's an explosion causing that -- that
10 bullet to -- to travel out of the gun.

11 Q And the casings stay behind; is that right?

12 A Just depends on what gun you're firing.

13 Q Right. But in a -- let's say in a
14 semiautomatic gun, the casing will kick out. As the
15 bullet goes -- goes out the barrel, the casing comes
16 out a different part of the gun; is that right?

17 A If it's working properly, yes. It will
18 eject and the bullet will travel down to wherever
19 that gun is pointed.

20 Q Okay. And then in a revolver -- well, if
21 you could tell the members of the jury for the ones
22 that don't know, what is the difference between a
23 semiautomatic gun and a revolver?

24 A As I stated earlier, there's two types of
25 handguns. A revolver is one you would see the -- the

1 cowboys use. You know it's got a wheel in the middle
2 and as you fire it and if it works properly, that
3 bullet will travel out of the gun, but the bullet
4 casing will stay within the gun, okay?

5 And then if you want to reload the gun,
6 you have to open up that wheel, remove those casings
7 and put some more in there, okay?

8 In a semi-auto when you fire the gun,
9 that bullet casing automatically rejects, okay, and
10 another live round is placed in there, we're ready to
11 go again, okay? So one is ejected by itself and the
12 other one you have to manually eject from the gun.

13 Q So is it -- if you've got bullets at a crime
14 scene but no shell casings, what does that tell you
15 in your experience?

16 A Well, if somebody tells me there was a
17 semiautomatic that was fired here, but we didn't find
18 any casings. Well, I would start thinking, well,
19 either they were picked up or the gun wasn't working
20 properly. So those are some of the things that I
21 would be thinking about.

22 Q Okay. And then what if a revolver was used,
23 would you expect to see the casings at the scene?

24 A If the revolver was not reloaded, no.

25 Q Okay. So as you're walking through and

1 you're seeing bullets, are you looking for shell
2 casings?

3 A Yes.

4 Q Were you able to find any?

5 A No.

6 Q Now, the bullet here in State's Exhibit
7 Number 31, that's shown by placard 1, was that bullet
8 recovered?

9 A Yes, it was.

10 Q Along with several other bullets that were
11 recovered; is that right?

12 A Bullet and fragments.

13 Q Okay.

14 A Uh-huh.

15 Q And are these consistent with being fired
16 from a firearm?

17 A Yes.

18 Q And is a firearm a deadly weapon?

19 A Yes.

20 Q All right. I want to go to State's Exhibit
21 Number 32. If you can tell members of the jury
22 what's important about this photograph?

23 A The number 2 you see in this photo there, is
24 another fired bullet. We mentioned a TV right beside
25 the door, so to our left of this photo is a front

1 door, and I found a fired bullet on the floor right
2 beside this TV.

3 Q Okay. And is that indicated by placard
4 number 2 in State's Exhibit Number 32?

5 A Yes.

6 Q And if you look up a little bit closer in
7 State's Exhibit Number 33, you can see the same
8 placard number 2, what are we looking at here?

9 A It is the fired bullet that I mentioned
10 earlier for evidence marker number 2.

11 Q And then State's Exhibit Number 34, you have
12 placard 3 indicated here?

13 A I wanted to document the location of the
14 blood stains on the floor, so I gave it a number and
15 I gave it a number 3, just to indicate where it was
16 located in the living room area.

17 Q And then State's Exhibit Number 35, is that
18 a different view of placard number 3?

19 A Yes.

20 Q Now, I want to take you to State's Exhibit
21 36. What do we see here?

22 A It is a bullet fragment. What I -- when a
23 bullet is not completely intact, it's in pieces --
24 excuse me, I call it bullet fragment. And that's
25 what we have with evidence marker number 4.

1 Q Okay. So you can see the placard number 4
2 in Exhibit Number 36. But if you look to Exhibit
3 Number 37, can you see that same placard 4, that
4 indicates what it is trying to mark -- or is marking?

5 A Yes.

6 Q All right. And can you point out to the
7 jury the bullet fragment?

8 A It's right under the -- you see the placard
9 and I drew a circle around it (indicating).

10 Q If we go to State's Exhibit Number 38, you
11 can point out to the jury where placard number 5 is?

12 A Yes. I'm going to draw a circle around it.
13 There's a chair in this photo, it's to the left of
14 the chair.

15 Q And State's Exhibit Number 39, is this a
16 closer view of the placard -- the same placard number
17 5?

18 A Yes. And the fragment is right under the
19 placard on this picture here.

20 Q Now, if we go back to your diagram, did you
21 indicate on the diagram the positioning of the
22 placards in the evidence that was important in this
23 case?

24 A Yes. We're talking about the placards with
25 1, 2, 3, 4 and 5. And those are indicated in the

1 diagram.

2 Q And that State's Exhibit Number 10. You can
3 see placard 1, 2, 3, 4 and 5?

4 A Yes.

5 Q Those bullets and fragments that were found
6 in -- by -- near placard 1, 2, 4 and 5, did you
7 recover those?

8 A Yes.

9 MS. COOPER: May I approach the
10 witness, Your Honor?

11 THE COURT: You may.

12 Q (BY MS. COOPER) I want to show you first
13 State's Exhibit Number 62, which is the evidence bag.
14 And then State's 63 and 64, 65, 66, 67, 68, 69 and
15 70.

16 And if you can take a look at those and
17 -- which you've already looked at them previous to
18 coming in here. But if you can look at them again,
19 and just make sure everything is in the same
20 condition and that you recognize those items.

21 A (Witness complies.)

22 Q Do you recognize those items?

23 A Yes, I do.

24 Q When you collect evidence at a scene, how do
25 you document, you know, which evidence belongs to

1 which scene?

2 A It goes along with the case number, the
3 address, my information. The packaging has all that
4 information here, along with when I put the evidence
5 inside a packaging, I seal the packaging and I put my
6 initials across the tape. And this has my initials.

7 And then when I'm collecting the
8 evidence, we put it in a bag, either plastic or
9 paper, and the bag itself has the same information as
10 what's -- what I just mentioned, a case number,
11 location and my information.

12 And then we give it a number. In this
13 particular case, State's Exhibit Number 69, has a
14 number 5. The number -- the evidence marked number 5
15 and evidence that was right next to it, will go in
16 this bag that has a number 5. And it goes through
17 the same process as the other markers.

18 Q Okay. Is each case given it's own unique
19 offense report or case number?

20 A Yes.

21 Q And what was the case number In this case?

22 A 06-44-04-611. And i has an "L" as in
23 Lincoln.

24 Q And is that same number indicated here on
25 State's Exhibit Number 62, which is the evidence, the

1 bag in this case?

2 A Yes.

3 Q And does it have your name and the items
4 that are contained within the bag on State's Exhibit
5 Number 62?

6 A Yes.

7 Q And then State's Exhibit Number 63 through
8 70, do they all have the same case number indicated
9 on each exhibit?

10 A Yes. All the bags have the same case number
11 on them.

12 Q Okay. Now, I want to talk to you -- each
13 item here that was collected by you and has two bags
14 assigned to it now. When you put them into the
15 evidence bag and into the crime lab, do they all --
16 each have one bag?

17 A Yes.

18 Q Can you explain why each one now has two
19 bags?

20 A When I collect the evidence, it goes into a
21 bag and it gets sealed. And then all the evidence
22 goes into the packaging. This goes into either the
23 property room now. And then from there, it goes on
24 to a lab, whether it be a latent lab or a firearms
25 lab. And they to have to gain entry into the

1 evidence. So they have to cut this bag and get the
2 evidence to analyze it. And then as it looks that --
3 so they put it in a separate bag, but with the same
4 case number and everything.

5 Q And do they have -- I want to show you the
6 -- on State's Exhibit Number -- well, each item has a
7 big bag and a little bag. The big bag is being your
8 bag; is that right?

9 A Yes.

10 Q And the little bag is the crime lab bag; is
11 that correct?

12 A Yes. It appears to be a crime lab bag, yes.

13 Q Okay. And each one of the big bags, State's
14 Exhibits 69, 65, 67 and 63, do they all have the -- a
15 sticker that has the case number and the crime lab,
16 the number that they've assigned to each item?

17 A Yes, they do.

18 Q And then there's a signature by a person at
19 the crime lab?

20 A Yes. Whoever broke the seal or gained entry
21 into this bag put their initials. And then they put
22 the evidence into another bag, and it has the same
23 initials on it.

24 Q And are you able to link each big bag with
25 the little bag that it was in, based on the item

1 number that was assigned by the crime lab?

2 A Yes.

3 Q Have you also used -- looked at each item
4 and compared it to what you collected at the scene,
5 to determine that it's the same items?

6 A Yes.

7 Q All right. So does all the items here in
8 State's Exhibit 62 through 70, fairly and accurately
9 depict -- or are they in the same condition that they
10 were in when they were collected?

11 A They appear to be, yes.

12 Q Okay. And are you able to say that these
13 are same items, based on the documentation on the
14 bags, the evidence bags, your signatures and the case
15 number, that these are same items that were collected
16 from the scene at 4206 Groton, on May 19th of 2011?

17 A Yes.

18 MS. COOPER: Your Honor, at this time
19 I'm tendering to opposing counsel State's 62 through
20 70 for any objections that they have?

21 MR. MAYR: Judge, we don't need to see
22 them. We don't have any objection.

23 THE COURT: All right. State's 62
24 through 70 are admitted.

25 (State's Exhibit Nos. 62 through 70

1 were admitted.)

2 Q (BY MS. COOPER) All right. I want to show
3 you State's Exhibit Number 64. This is -- if you
4 look at State's Exhibit Number 64, on the back side
5 you have item 1.1. If you look at State's Exhibit
6 Number 63, which is your bag, you can also see item
7 1.1. And then you have it labeled as Number 1.

8 Were you able to say item number -- or
9 State's Exhibit Number 64, is that the item number 1,
10 the bullet that was collected at the scene?

11 A Yes.

12 Q On placard number 1?

13 A Yes. The 1.1, it refers to that -- the
14 primary bag. And that's just an extension of that
15 one bag.

16 Q And each one of the bullets and fragments
17 that you recovered are here -- have been brought to
18 court and available for the jury to look at each one
19 independently, if they wish?

20 A Yes.

21 Q After collecting the bullets and the
22 fragments, what else did you do?

23 A I attempted to -- well, I measured the
24 bullet holes, and then I attempted to align the
25 bullet holes to -- from the door to any additional

1 bullet holes on the wall or furniture. And I did
2 that at the scene.

3 Q I want to show you State's Exhibit Number
4 40. What is this that we're looking at here?

5 A That is the -- the bullet holes that are --
6 that are on the outside of the door. So if you're
7 standing outside looking to the door from the
8 outside, this is what you would see.

9 I mentioned earlier that I -- that I
10 labeled -- I put A, B and C on the bullet holes, but
11 these are bullet holes. So for example, number A
12 would be this bullet hole, number B would this bullet
13 hole and so on.

14 Q Okay. And we have A all the way through F;
15 is that right?

16 A Yes.

17 Q So is that six separate bullet holes?

18 A Yes.

19 Q All right. Now, if you look at State's
20 Exhibit Number 41, what is this?

21 A That is the same door, but looking at it
22 from the inside, or the back side of it. I also made
23 a label on the door itself. It says, interior front
24 door, north wall. So these are same bullet holes,
25 but now we're looking at them from the opposite side

1 of that door.

2 Q And were you able to assign them with the
3 same letters of which bullet hole belonged to which
4 letter?

5 A Yes.

6 Q Opposite side. All right. Did you measure
7 -- do any kind of measurements on the door?

8 A Yes.

9 Q What measurements did you do?

10 A I did it from the ground up and from the
11 edge of the door, where the door knob is located to
12 every bullet.

13 Q And is that shown here in State's Exhibit
14 Number 42 and 43?

15 A That gives you an approximate -- I have a
16 measuring tape on the right of this photo. So it
17 gives you an approximate distance from the ground up.
18 And I also measured them each one specifically.

19 Q Okay. Were you able to -- you mentioned a
20 second ago to the jury, were you able to take each
21 bullet hole and find the trajectory through the house
22 that it went through?

23 A I was able to -- to locate the -- the
24 additional bullet holes from some, not all of them.

25 Q Okay.

1 A So, in other words, I -- for number A, I --
2 I was able to locate the -- the additional bullet
3 holes that that one bullet made.

4 Q Okay. So if we -- if we do letter A, you
5 have -- you have them labeled on the front of the
6 door just the letter by itself; is that right? A, B,
7 C, D, E and F?

8 A Yes.

9 Q And then on the back side of the door, or
10 the interior of the door, you have all labeled as a
11 letter and a number, A1, B1, C1, D1, E1 and F1; is
12 that right?

13 A Yes.

14 Q All right. And what was the purpose for
15 that?

16 A Well, that one bullet that created that
17 bullet hole -- for example, number A, well, I am
18 going to put the number A where I first see it, on
19 the opposite side -- if it's a through and through.
20 If it's goes through and through to the wall, the
21 other side of the wall would be and A1, which is the
22 same bullet hole, but we're just adding a 1 and a 2
23 and a 3 to it on the additional bullet holes for that
24 one bullet hole.

25 Q And were you able --

1 THE COURT: Excuse me. You said that
2 that's a bullet and it goes through the wall. But
3 right here, we're talking about the door.

4 THE WITNESS: Yes, correct.

5 THE COURT: If it goes through the
6 wall, you do A and then A1 on the other side of the
7 wall. But here it's a door, so should A and A1 be
8 the other side of the door?

9 THE WITNESS: Correct. In this
10 particular case, it's a door. So we do the same
11 thing whether it being a door or a wall, yes.

12 Q (BY MS. COOPER) All right. So you have A,
13 A1, did you -- were you able to put a A2 somewhere?

14 A Yes.

15 Q If we go to the diagram, State's Exhibit
16 Number 10, we have the front entry at the top, like
17 we've already talked about, closest to the -- the top
18 of the diagram by the arrow that points north, where
19 were you able to trace the bullet A to?

20 A It would be the wall that separates the
21 living room to the kitchen. And that is labeled as A
22 number 2. It is at the bottom of this diagram.

23 Q Okay. Can you see A2 and A3 on the diagram?

24 A Yes.

25 Q All right. And then that's the wall that's

1 right in front of the kitchen?

2 A Yes.

3 Q Okay. So if you're looking at State's
4 Exhibit Number 44, can you see -- at the back of
5 State's Exhibit Number 44, can you see the kitchen?

6 A Yes.

7 Q And then in front of the -- you can see the
8 front of the wall that leads into the kitchen on
9 State's Exhibit Number 44?

10 A Yes.

11 Q I'll zoom up a little bit. Can you tell the
12 jury where A2 was?

13 A Due to the screen here, it's a little bit
14 fuzzy -- but on -- so I'm sure the picture is a
15 better quality. But to the right of the frame -- I'm
16 going to draw a circle around it, I labeled that with
17 a Sharpie as A2.

18 Q Okay. And let me -- this may be a better
19 picture. State's Exhibit Number 45. Can you see
20 that a little clearer?

21 A Yes. It's to the right of the doorframe,
22 and I labeled that as number 2, with an arrow
23 pointing to it.

24 Q And then State's Exhibit Number 46, is this
25 the closer view of A2?

1 A Yes.

2 Q Can you -- was it an actual hole in the
3 wall?

4 A Yes.

5 Q Did it go all the way through to the other
6 side?

7 A Yes.

8 Q And is that shown in State's Exhibit Number
9 10, on the diagram, you've labeled A2 and A3?

10 A Yes.

11 Q And if I show you State's Exhibit Number 47,
12 if you can orient the jury where this is at?

13 A We -- to -- the top right of our -- of this
14 photo is the front door. And the A2, the bullet hole
15 that was labeled on the A2 is just on the other side
16 of this wall here. So A2 was on the other side of
17 the wall. A3 -- A3 is on this side of the wall,
18 toward us.

19 Q Okay. So if you're looking at the picture,
20 is this taken from standing inside the kitchen
21 looking out towards the living room?

22 A That's correct.

23 Q All right. And if you see here on State's
24 Exhibit Number 47 -- well, can you see the inside of
25 the wall on -- where A3 was found?

1 A Yes, this is the wall here.

2 Q And can you see -- you can just see it in
3 this picture. If I show you State's Exhibit Number
4 48, can you see A3?

5 A Yes, I can. I'm going to draw a picture
6 around it where I have it labeled at A3, and
7 specifically here's the exit (indicating).

8 Q And then State's Exhibit Number 49, what is
9 this?

10 A That is a close up of that same exit. I
11 want to indicate that the -- the paper and the
12 sheetrock is toward us. So it gives you an idea of
13 the direction it's going.

14 Q All right. How are you able to determine
15 the direction of the -- the travel?

16 A Well, like in this particular case, it will
17 be the folds of the paper -- the folds of the metal.
18 So it gives you a good indication on -- to which way
19 they're going.

20 Q Okay. So A2, which is State's Exhibit
21 Number 46, does that appear to be -- or did you
22 determine whether or not that was an entrance hole or
23 exit hole?

24 A This is entry, because it's got an adjoining
25 exit.

1 Q Okay.

2 A So it went through here and it went out
3 through the other side because of the fold in the
4 paper.

5 Q All right. So it went out in A2, which is
6 State's Exhibit Number 49?

7 A Correct.

8 Q Is that consistent with shooting from the
9 front door area of the house towards the back area --
10 towards the kitchen area of the house?

11 A Yes.

12 Q And State's Exhibit Number 10. Were you
13 able to, on bullet hole number -- or letter B, that
14 was in the door, were you able to trace or determine
15 where that bullet went?

16 A Yes.

17 Q The direction? And is that indicated here
18 on State's Exhibit Number 10?

19 A Yes. There is a B2 and a B3. B2 is a
20 strike on the floor. And then it went into a
21 baseboard at the bottom of the closet, through the
22 outside of the closet, the living room side. So that
23 was labeled as B3.

24 Q Okay. And so if you look here at State's
25 Exhibit Number 50, do you have B2 and B3 labeled here

1 in State's Exhibit Number 50?

2 A Yes. B2 is here (indicating) and B3 here.
3 You see the baseboard right here (indicating).

4 Q And if you look at State's Exhibit Number
5 52, is this a closer view of B2 and B3?

6 A Yes.

7 Q Are you able, from looking at where B
8 originated outside of the door and going through the
9 door and into B2 and B3, are you able to tell the
10 direction that that bullet was fired from?

11 A Yes. This -- this -- in order to align the
12 -- this -- these trajectory or the flight of the
13 bullet, I used the laser. So it all matched up here.

14 Q Okay. And is that also consistent with
15 being fired from outside the front door, towards the
16 back part of the house?

17 A Well, it came from the door area.

18 Q And then I want to show you -- well, did you
19 do anything with -- were you able to find a bullet in
20 this area?

21 A No.

22 Q I want to show you State's Exhibit Number
23 55. What are we looking at here?

24 A This is at the -- so I wanted to document
25 the -- to the condition that -- that I left the --

1 the wall. I looked through the -- through the dry
2 wall and through the baseboard and inside the closet,
3 and I -- I could not find the bullet. So I wanted to
4 document that to the condition that I left it.

5 Q Okay. So you actually caused this damage?
6 You pulled it off -- pulled the baseboard off the
7 wall?

8 A Yes.

9 Q All right. And it was -- that's where you
10 were looking for the bullet?

11 A Correct.

12 Q All right. So that's B. Were you able to
13 find the trajectory for the path of bullet C?

14 A No.

15 Q And what about bullet D?

16 A Yes. Bullet D was found on the sofa, on the
17 -- if you're sitting on the sofa to the right side of
18 the sofa, in front of the door.

19 Q If you look at State's Exhibit Number 56,
20 can you see the bullet hole from bullet D?

21 A Yes. It is at the outside of the sofa on
22 the area -- you're sitting on the sofa, it's on the
23 right side, the exterior part of it. And I labeled
24 it as a D2.

25 Q And is that the sofa immediately on the

1 other side of the front door?

2 A Yes.

3 Q Were you able to recover a bullet from D?

4 A No.

5 Q Why not?

6 A We couldn't find it. Sometimes they break,
7 sometimes you don't find a bullet sometimes. We
8 turned it over, we looked inside the -- of the -- the
9 -- all the cracks, the mechanism that -- we just
10 couldn't locate it.

11 Q Okay. But did you pull -- actually pull the
12 couch apart like you did the wall?

13 A Yes.

14 Q Oh, you did? Okay.

15 A Yes.

16 Q All right. And then what about E, bullet E?

17 If you go back to State's Exhibit
18 Number 40, were you able to find -- you said you were
19 able to trace A, B and D, what about E?

20 A Yes. Bullet E, I could find a strike on the
21 floor and a center table, just inside the front door.

22 Q So if you go to State's Exhibit Number 56.
23 Can you see the table just inside the front door?

24 A Yes. It would be in this area here
25 (indicating).

1 Q All right.

2 A Right in front of the couch that we were
3 previously talking about.

4 Q Okay. So if we go to State's 58, can you
5 see here right here by the -- there's a broom. Can
6 you see E2 here?

7 A Yes. It would be under the table in this
8 photo. And I labeled that as an E2.

9 Q Now, you've got them labeled A, B, C, D, F,
10 but does that in any way indicate which bullet was
11 fired first or last?

12 A No.

13 Q And how are you -- how do you label them?

14 A The way I find evidence I put the markers,
15 1, 2, 3 and 4. It doesn't mean that that's how the
16 incident occurred. Through the same thing in bullet
17 holes, it's what makes it easier for me. If, you
18 know, I have a consistent system, A, B, and then you
19 work yourself down, or from left to right. So -- so
20 it's just kind of a -- be consistent as far as how
21 you're doing your documentation.

22 Q Were all the bullets and the paths
23 consistent with being fired from outside the front
24 door into the house?

25 A It appears to be, yes.

1 Q And then as far -- was there anything at all
2 that indicated to you that there were bullets being
3 fired back the other direction?

4 A I didn't find any additional bullet holes,
5 other than the ones that we have been talking about,
6 going from inside out.

7 Q Now, the glass -- the shattered glass in the
8 back side of the house, here in State's Exhibit
9 Number 21. Were you able to find any bullet path or
10 trajectory that was consistent with the damage done
11 to the glass in State's Exhibit Number 21?

12 A No.

13 Q Okay. Would that be consistent with someone
14 firing into the house from the front to the back?
15 Could a bullet have gotten there?

16 A If it was fired from the outside in, through
17 this door?

18 Q No. I'm saying, if the suspect is shooting
19 from the front door, like all the bullets indicate --

20 A Uh-huh.

21 Q In to the house.

22 A Okay.

23 Q Is the damage to State's -- the door shown
24 in State's Exhibit Number 21, consistent with that as
25 well?

1 A Yeah. You have one bullet that travels all
2 the way to the kitchen area and it was in a line with
3 the -- this sliding door. So -- so it's -- I believe
4 that the bullet that entered the kitchen area broke
5 this window.

6 Q Okay. And that was the one that you
7 indicated as A2 and A3 that went through the wall?

8 A Yes.

9 Q Is that right? So the path was from the
10 front door, kind of across the house. A2 and A3 into
11 the back kitchen; is that right?

12 A Yes.

13 Q Were you able to locate a gun?

14 A No.

15 Q Is that something that is common in cases
16 like this?

17 MR. MAYR: Objection, relevance.

18 THE COURT: It's overruled.

19 Q (BY MS. COOPER) Do you have situations where
20 you go out to homicides and you're collecting
21 evidence and you don't find a weapon?

22 A There's times when there's a homicide and
23 there is weapon and there's time when there isn't.
24 So every scene is not the same.

25 Q All right. But anything unusual about there

1 not being a weapon?

2 A I'm not surprised that I didn't find a
3 weapon.

4 Q Did you look for one?

5 A I looked for one inside the -- the -- where
6 the shooting occurred, outside, around the sides, and
7 I didn't see anything.

8 Q Now, as far as -- did you do any -- other
9 than documenting and collecting evidence, was there
10 anything else that you did in this case?

11 A No.

12 Q What about like DNA evidence, fingerprints,
13 things like that. Did -- did you swab any of the
14 areas for DNA?

15 A No.

16 Q Why not?

17 A I wasn't alerted that that was -- that some
18 items were touched or -- are moved or anything like
19 that. To my understanding was, the shooting was from
20 outside the door into the house, but there was no
21 entry made or anything like that. So, no, I was not
22 told by any of the investigators at that time that
23 that was an issue.

24 Q Do you swab -- in order to swab for DNA, do
25 you have to -- and when is it that you make a

1 decision to swab areas to test for DNA?

2 A Well, when -- when you suspect that
3 something's been moved, or you get information that
4 something's been moved or another person, you know,
5 actually touched something, you know, that's when --
6 when, you know, you would start looking for -- for
7 DNA as a swab or as a fingerprint. But in this
8 particular case, I was not alerted of that.

9 Q Okay. And then as far as fingerprints, you
10 didn't dust anything for prints either; is that
11 right?

12 A Yeah. No, I did not print anything.

13 Q To your knowledge, was that done later by
14 another CSU agent?

15 A Yes, that's what I understand.

16 Q Okay. All right. Anything else on this
17 case that we left out that you did that night?

18 A No, I don't -- so I can't remember any, no,
19 ma'am.

20 Q Okay.

21 MS. COOPER: I pass the witness.

22 THE COURT: All right. We're going to
23 take our 1:00 o'clock lunch break at this time. Mark
24 your spots. And remember the Rule has been invoked.

25 And jurors, remember the instructions.

1 Don't discuss the case, don't do any kind of
2 investigation. Just have a good lunch. We'll be
3 back about an hour and 15 minutes, about 2:10, and
4 we'll pick up where we left off. Have a good lunch
5 and we'll see you then.

6 THE BAILIFF: All rise. Come this way.

7 (Jury exits courtroom.)

8 (Lunch recess taken.)

9 THE COURT: Both sides ready?

10 MR. MAYR: Ready, Your Honor.

11 THE COURT: Bring them in, please.

12 THE BAILIFF: All rise.

13 (Jury Panel enters courtroom.)

14 (Open court; defendant and jury panel
15 present.)

16 THE COURT: Be seated, please.

17 Did y'all have a good lunch?

18 No comment.

19 Both sides ready?

20 MS. COOPER: State's ready, Your Honor.

21 THE COURT: All right.

22 MR. MAYR: Defense is ready, Your
23 Honor.

24 THE COURT: All right. You may
25 proceed.

1 MR. MAYR: Thank you.

2 CROSS-EXAMINATION

3 BY MR. MAYR:

4 Q Good afternoon, Officer Aguilera.

5 A Good afternoon, sir.

6 Q Just have a few brief questions for you.

7 That evening, you were working with two
8 -- or I guess two or three homicide detectives that
9 were there working with you, Investigator Condon; is
10 that right?

11 A There were several other investigators
12 there, but the one I spoke to was Investigator
13 Burrow.

14 Q Burrows (sic)?

15 A Yes.

16 Q Okay. And the way it works is, you have one
17 detective who's responsible for talking with
18 witnesses, one responsible -- one investigator
19 responsible for the scene and Investigator Burrows
20 was -- that was his role, right?

21 A I'm not sure whose role was which, but, yes,
22 it works that way. One investigator does the scene,
23 the other investigator talks to the neighbors and
24 witnesses. I'm not sure what function that Burrows
25 (sic) had on there, but I spoke to him, but I don't

1 know which -- which side he did.

2 Q Okay. But your offense report makes
3 reference to -- it says refer to Officer Burrow's
4 supplement. That indicates that he's probably the
5 one who's in charge of the scene, correct?

6 A Okay. Yes, sir.

7 Q All right. Are you saying that you did not
8 have any contact with Investigator Condon, who was
9 out there also working with him?

10 A I'm not saying I didn't talk to him. I'm
11 just saying that, you know, it might have been brief.
12 You know, I know he was there, but as far as
13 specifics or do this, do that, no, I did not.

14 Q But it's not y'all were walled off -- you
15 can exchange -- even if you don't talk directly with
16 Investigator Condon, Investigator Condon could relay
17 some information to Investigator Burrow, as he's
18 working with you on the scene, and that information
19 can be conveyed to you; is that right?

20 A Yes.

21 Q Okay. And it wasn't just the three of you
22 all. Is it fair to say that there were a number of
23 other Houston police officers out there securing the
24 scene, separating witnesses, doing whatnot?

25 A Yes.

1 Q Okay. I'm going to show you State's Exhibit
2 Number 1. That's the front of the house. You said
3 that this is exactly how you remember it looking that
4 night; is that right?

5 A Yes.

6 Q Do you remember there being a white Dodge
7 van parked here in the driveway next to this red car?

8 A I do not remember that, sir.

9 Q Okay.

10 MR. MAYR: May I approach the witness,
11 Your Honor?

12 THE COURT: You may.

13 Q (BY MR. MAYR) You've got your supplement
14 there in front of you to refresh your memory; is that
15 right?

16 A That's correct.

17 Q You work a lot of these cases, it's hard
18 sometimes to remember the exact details of each one?

19 A Good note taking is always -- is always good
20 when you start typing your report.

21 Q Sure. I want you to look right -- right
22 here, you make a note, refer to homicide
23 investigator's scene summary for further scene
24 details, right?

25 A Correct. That's what I have in my report.

1 Q Okay. And if we look at Officer Condon --
2 Officer Condon's report, he's one of the
3 investigators. We see here from his description of
4 the scene, he notes that there was a white Dodge
5 Caravan backed in and parked in the space closest to
6 the front door?

7 A Okay. So I'm not understanding your
8 question.

9 Q Okay. Is that what it says here?

10 A Yes, that's what it says there.

11 Q So one of the investigators noted that there
12 was a white car there, you just don't remember it
13 being there?

14 A I don't remember. I don't document the
15 vehicles unless they're involved, like a bullet hole
16 or something like that.

17 Q Let's talk about being involved.

18 All this evidence that you talk about
19 from inside of the house, the bullet fragments, the
20 bullet holes, the blood stains, none of that is going
21 to help you identify who the shooter is in this
22 particular case to your knowledge, right?

23 A I document the -- the evidence.

24 Q Okay.

25 A And where the evidence was located.

1 Q Sure.

2 A That's my job.

3 Q But none of that's going -- if the
4 shooter -- if all the information that you all have
5 is that the shooter was outside of the house, never
6 came inside the house, then those bullet fragments,
7 the blood, the pictures, all that stuff is not going
8 to help us figure out who the shooter is, if the
9 shooter was never inside the house, right?

10 A Well, to my side, it's only one piece of the
11 puzzle.

12 Q Sure.

13 A Okay? But there's other pieces of the
14 puzzle when you put it together.

15 Q Let me put it to you this way, you're not
16 going to be able to, from those bullets, you're not
17 going to be to able to lift DNA or the speckles, the
18 ones that have come out of the gun, you're not going
19 to be able to get DNA or fingerprints off of those to
20 show who the person handling the gun was, are you?

21 A Unless the -- one of the bullets went
22 through and through, okay? You may have some DNA.
23 But -- but as far as a print, I've never heard of a
24 print being located in a fired bullet.

25 Q Okay. Well, maybe some DNA, right?

1 A It just depends on the scene, sir.

2 Q Fair enough. Now, did you have -- actually,
3 before we move on to that, let's talk about -- I'm
4 going to show you State's Exhibit Number 2.

5 Now, in this picture, Officer Aguilera,
6 we -- it's obviously nighttime. We can see that in
7 the background; is that right.

8 A Yes, that is correct.

9 Q But it's very bright here in all these areas
10 right here (indicating)?

11 A Yes.

12 Q Okay. That's because you've got a big flash
13 on your camera as you're taking these pictures,
14 right?

15 A I use a flash. Because if I didn't, you
16 wouldn't see what was beyond this -- this front door.

17 Q Okay. And that's exactly what my point is.
18 Just so the jury is clear, this isn't -- if you're
19 out there, and you're looking at it with your own
20 eyes, this is not how illuminated it looks out there
21 that night, right?

22 A I didn't have to use a flashlight to get
23 around this area.

24 Q Okay.

25 A But it wasn't bright as daylight, no.

1 Q Did you take any sort of measurements to
2 determine what the lighting was like out there that
3 night?

4 A Such as what, sir?

5 Q Okay. Do you know what a light meter is?

6 A Yes, I do.

7 Q Okay. And you know that a light meter is a
8 little device, you sometimes see photographs using
9 them to measure the amount of light in a -- in a
10 certain space, right?

11 A Yes.

12 Q Okay. Did you use anything like that to
13 measure what the lighting conditions were to your own
14 eyes realistically that night?

15 A No, I did not.

16 Q And likewise in -- here it is. State's 12,
17 same thing, it looks bright here in front of the
18 house because of your flash on your camera, right?

19 A Yes.

20 Q But that's not really how it looked out
21 there that night?

22 A Again, to this area, I didn't need a
23 flashlight to get around.

24 Q Sure.

25 A But it wasn't in a daylight bright.

1 Q But my point is is that the jury has no way
2 of seeing an image here in the courtroom -- in the
3 courtroom, that shows exactly how it appeared without
4 any artificial lighting out there that night; is that
5 correct?

6 A All I can say is that the front light was on
7 and obviously, because of the picture.

8 Q Uh-huh.

9 A And I didn't need a flashlight.

10 Q Okay. That's all you tell us about how
11 light or dark it was out there?

12 A I mean, if you want a degree in darkness, I
13 can't give you.

14 Q Okay. Fair enough.

15 A Okay?

16 Q From the bullet and bullet fragments that
17 you were able to recover, were you able to determine
18 what caliber bullet it was?

19 A No.

20 Q Okay. Now, going back to what I was asking
21 you about at the beginning, you know, you've got
22 Investigator Condon, Investigator Burrow, some of
23 them are talking with witnesses. Did you have any --
24 did you know at the time, that the shooter had only
25 been outside of the front door?

1 A That was my understanding, that the shots
2 came from outside of the house in the front door.

3 Q Okay. And you also knew that that person
4 had (knocking sound) knocked on the door, or someone
5 had said that the person had first knocked on the
6 door before the shots were fired, right?

7 A No, I was not aware of that.

8 Q You weren't aware of that?

9 A No.

10 Q It's possible a witness could have told
11 Investigator Burrow or Condon that, and that
12 information could have been conveyed to you. That's
13 nothing out of the ordinary, right?

14 A Can you rephrase your question?

15 Q It's possible that someone tells
16 Investigator Condon or Investigator Burrow, this --
17 the shooter knocked on the door before the shots were
18 fired. That information -- there's nothing
19 preventing -- if that information is conveyed to
20 them, there's nothing preventing that -- them from
21 telling you that, right?

22 A I don't know what information was exchanged
23 before that. But there are times when they say we
24 got this information.

25 Q Okay.

1 A Okay? And then we follow up on that.

2 Q And they never told you the shooter knocked
3 on the door, (knocking sound), prior to shooting, did
4 they?

5 A No. I was not aware of that, no.

6 Q If you knew that the shooter had knocked on
7 the door prior to the shooting, would you be
8 interested in possibly checking the door for DNA or
9 fingerprints?

10 A Yeah. We would do a follow up on that.
11 Obviously, yes.

12 Q Explain to the jury. You do a follow up
13 based on what?

14 A Well, if we get the information there that
15 night, of course, we're going to process that door.
16 Okay? Or if the information was received, you know
17 later that morning, the investigators are going to
18 come back and do a follow up on that door, you know.
19 So that's how -- how some of the things fall.

20 Q And when you say "process the door," that
21 means you're going to check it for fingerprints?

22 A Yes.

23 Q And you're going to swab it for DNA?

24 A Yes.

25 Q Because if that person's knocking, their

1 hand is going to be leaving -- maybe leaving some DNA
2 behind, right?

3 A It just depends on the person. That may
4 happen and not leave anything behind.

5 Q That's true.

6 A Right?

7 Q But they could leave something behind if
8 they're knocking on the door?

9 A Again, it just depends on that person. You
10 know, a glove was on or there's many circumstances
11 where, you know, we don't find anything.

12 Q Now, was there any information conveyed to
13 you that prior to the shooting, the complainant had
14 opened the door, but then tried -- had to struggle
15 with the shooter to close the door back up again.
16 Was that information ever conveyed to you?

17 A I do remember that when I was doing the
18 laser -- the trajectory.

19 Q Right.

20 A Okay. I discovered the door was partially
21 open. Okay. It wasn't closed all the way. So when
22 I put the laser through, I opened up the door slowly,
23 and those -- the laser hit the back part of the wall.
24 So, yes, I do remember that.

25 Q Okay.

1 A But -- but as far as -- as anything of the
2 knock, I did not -- I did not get that information.

3 Q Or likewise, a struggle, where the shooter
4 was -- as the complainant on the inside of the house
5 was trying to shut the door, the shooter on the
6 outside of the door was trying to push it open.

7 Did you receive any information to that
8 effect that night?

9 A No, I did not.

10 Q If you had received information to that
11 affect, that the shooter was up against the door
12 trying the push his way in, you would also want to
13 try to get -- you would want to process that door to
14 get prints or DNA from that person's arm being pushed
15 up against the door; is that right?

16 A Yes. If we were told the information that
17 night or if I was told, yeah, obviously, we're going
18 to process that door, okay? And again, some
19 information comes out later in the morning, and you
20 come back and process the other areas that had just
21 come to light.

22 Q But to your recollection, that information
23 was never conveyed to you?

24 A No.

25 Q Okay.

1 MR. MAYR: No further questions, Your
2 Honor.

3 THE COURT: All right. Anything else?

4 MS. COOPER: Brief redirect.

5 **REDIRECT EXAMINATION**

6 BY MS. COOPER:

7 Q How long were you out there at the scene
8 that night?

9 A I arrived at 10:58 and I left about 1:30 in
10 the morning.

11 Q So any work that the homicide detectives did
12 after you left, was that followed up on? And would
13 that have been followed up on sometime later?

14 A Yes.

15 Q Okay. And you mentioned when you were
16 looking with the laser at the path of the bullets,
17 that it looked to you as if the door was open. But
18 can you explain that to the jury and what you meant
19 by that?

20 A Sure. I get a laser with a tripod and it
21 shined through the bullet hole. Let's say, for
22 example, A, and if for whatever reason it goes
23 against a wall where I don't see any bullet holes,
24 well, in this particular case, I opened up the door
25 very slowly until I said, there's a match over there.

1 There's a bullet hole on the other side of this wall.

2 And you -- say, for example, the other
3 one is matched up, so that leads me to believe that
4 that door was partially open, okay? It wasn't closed
5 all the way, okay? So -- so that's how we match up
6 the original bullet strike to the -- the other holes.

7 Q So all -- on all of the bullets that you
8 were able to find a path, did they all appear that
9 the door was open, or were some of them did it appear
10 it was open and then others it was closed?

11 A I don't remember if they all matched up to
12 where they were open.

13 Q Okay.

14 A But the ones that I document A and B, you
15 know, those matched up to the open door.

16 Q Okay. So it appears that the door was all
17 the way or just how far open?

18 A I don't remember. It wasn't all the way
19 wide open and it wasn't closed. So...

20 Q It was partially?

21 A It was partially open.

22 Q Okay. And then -- but it still went through
23 the front of the door -- I mean, it went through the
24 door. It wasn't like it was open and they're
25 shooting in from -- with a door wide open; is that

1 right?

2 A The door wasn't wide open, no.

3 Q Okay.

4 MS. COOPER: All right. I pass the
5 witness.

6 MR. MAYR: I have no further questions
7 for this witness, Your Honor.

8 THE COURT: All right. May Officer
9 Aguilera be excused?

10 MR. MAYR: We have no objection to
11 that, Your Honor.

12 MS. COOPER: Yes, Judge.

13 THE COURT: All right. Thank you, sir.

14 THE WITNESS: Thank you.

15 THE COURT: You're free to go.

16 Remember the Rule has been invoked.

17 THE WITNESS: Yes, sir.

18 THE COURT: They may or may not call
19 you back. But you're free to go. Thank you, sir.

20 THE WITNESS: Thank you, sir.

21 THE COURT: Call your next witness.

22 MS. COOPER: State calls Officer
23 Pemberton.

24 THE COURT: Officer Pemberton.

25 Good afternoon, Officer, how are you

1 doing?

2 THE WITNESS: I'm fine. How are you?

3 THE COURT: Real good.

4 Raise your right hand, please. Oh,
5 you've already been sworn?

6 THE WITNESS: Yes, I have.

7 THE COURT: All right. Thank you.

8 You may proceed.

9 **RHONDA PEMBERTON,**

10 having been first duly sworn, testified as follows:

11 **DIRECT EXAMINATION**

12 BY MS. COOPER:

13 Q Can you state your name for the record,
14 please.

15 A Rhonda Pemberton.

16 Q Okay. And how are you employed?

17 A With the City of Houston as a police
18 officer.

19 Q Can you tell the members of the jury about
20 your background and education?

21 A I have been a police officer for about 16
22 years. And I've been with CSU for the last six. And
23 I've got two years of junior college and lots of
24 training with HPD.

25 Q How -- what kind of training do you have to