

1 **(In Open Court, Defendant Present)**

2 **(Jury enters the courtroom)**

3 **THE COURT:** You may have a seat when
4 you find one you like. We're standing for you
5 because you're the judges of the facts.

6 Thank you. Please be seated.

7 So, good morning, jurors. Welcome
8 back. Thank you-all for being so timely. I believe
9 we have the officer on the witness stand.

10 If you want to come back up, sir, and
11 have a seat.

12 Jurors, thank you for being so
13 understanding. Some of our witnesses couldn't get
14 here because of flooding. So, it didn't seem like
15 there was any point in you coming if there weren't
16 any witnesses for you to hear. So, thank you for
17 being so flexible when we had to change this Friday
18 to today. Thank you very much.

19 Ms. Koch, you may begin.

20 **MS. KOCH:** Thank you.

21 **ERIC BLANKENSHIP,**

22 having been previously duly sworn, testified as follows:

23 **DIRECT EXAMINATION (CONTINUED)**

24 **Q.** **(BY MS. KOCH)** Officer, can you reintroduce
25 yourself?

1 A. My name is Eric Blankenship.

2 Q. Before we broke on Thursday, we were
3 discussing how you became involved in this particular
4 case. Refresh the jury's recollection about how you
5 became involved.

6 A. Yes, ma'am. On June 29, 2012, Officer
7 Zermeno contacted me regarding a stolen vehicle that
8 had been located at the Wal-Mart at I-45 and West
9 Road.

10 Q. And did you actually go out to the
11 Wal-Mart?

12 A. Yes, ma'am, I did.

13 Q. What did you see when you got there?

14 A. I saw the Dodge Charger parked in the
15 parking lot.

16 Q. And how did you identify it as the Dodge
17 Charger that had been stolen?

18 A. By the license plate and VIN number.

19 Q. Once you identified it, what did you do?

20 A. Moved back away from it a little ways so I
21 wouldn't obviously stand out too much and watched it.

22 Q. How long did you watch it?

23 A. About an hour and a half.

24 Q. Did you see anything?

25 A. No, ma'am.

1 Q. So, what did you do next?

2 A. Then I went into the store somewhere during
3 that hour-and-a-half time. I mean, total from the
4 time I arrived and the time of recovery was an hour
5 and a half. I went into the store and met with
6 Ms. Martinez, I believe her last name is, who is part
7 of their loss prevention, to see if she could look at
8 the video camera surveillance footage to tell me when
9 the car had arrived in that parking lot.

10 Q. When you met with Ms. Martinez, was she
11 able to pull up a video of the -- when the Dodge
12 arrived?

13 A. Yes, ma'am.

14 Q. Okay. Did you actually watch that video?

15 A. Yes, ma'am.

16 Q. And what did you see?

17 A. At approximately 10:09 p.m. on the night
18 before, which would have been the 28th, I see the
19 Dodge Charger pull into the parking lot and park in
20 the same spot that it was parked the morning when I
21 arrived. A black female exits the vehicle and starts
22 walking towards the store. She then meets up with
23 what appears on the video to be two adult black
24 males, two juvenile black females, and one black male
25 juvenile; and then all of those individuals then

1 walked into the store.

2 Q. Did you see on the video the defendant --
3 the person on the video walk actually into the store?

4 A. Yes, ma'am.

5 Q. Was that a different shot than who was in
6 the parking lot?

7 A. Yes, ma'am.

8 Q. So, what did you see after the person on
9 the video entered the store?

10 A. Shows them coming through the door, and
11 that was all I saw there until -- there was like an
12 overhead view, I believe it was, of one of the
13 registers.

14 Q. And what did you see during that video?

15 A. The individuals who had come into the store
16 at one of the registers making a purchase.

17 Q. Okay. And after they made the purchase,
18 what happened next?

19 A. Then all six individuals left the store,
20 got into the tan, I believe, a Tahoe; and they all
21 left, leaving the Dodge Charger behind.

22 Q. Okay. Did you get the copy of the video
23 that day from Ms. Martinez?

24 A. No, ma'am.

25 Q. What did you get?

1 A. She gave me, I believe, a couple of still
2 images that were grabbed from that video.

3 Q. Okay.

4 **MS. KOCH:** May I approach the witness,
5 Your Honor?

6 **THE COURT:** Yes, ma'am.

7 Q. **(BY MS. KOCH)** I'm showing the witness what
8 has been marked State's Exhibit 1 and 2 for
9 identification purposes. Do you recognize what these
10 are?

11 A. Yes, ma'am.

12 Q. What are these?

13 A. Those are the two snapshots, if you will,
14 of the female who got out of the car, walking into
15 the store.

16 Q. Okay. And do these fairly and accurately
17 represent what you were given that day by
18 Ms. Martinez?

19 A. Yes, ma'am.

20 **MS. KOCH:** Let the record reflect I'm
21 showing opposing counsel what has been previously
22 marked as State's Exhibits 1 and 2.

23 **MS. FOOTE:** Your Honor, at this time I
24 object to State's 1 and 2 because these pictures are
25 purported to be from a video that has not been

1 authenticated or verified as actually being from the
2 store chain of custody, all those particular things.
3 So, at this time I am going to object to State's
4 Exhibits 1 and 2.

5 **THE COURT:** Objection overruled. 1
6 and 2 are admitted.

7 **Q. (BY MS. KOCH)** Now, Officer, what are we
8 seeing here in State's Exhibit 1?

9 A. The female in the white shirt, that's the
10 one that was seen getting out of the Dodge Charger.
11 And that's them as they were coming into the
12 Wal-Mart.

13 **Q.** Okay. And how about here in State's
14 Exhibit 2?

15 A. Same female. I believe that's just inside
16 the store.

17 **Q.** Okay. Now, why did you get these two
18 stills at this point in time?

19 A. Because Ms. Martinez told me they could not
20 release the video without a Grand Jury subpoena.

21 **Q.** And then what did you want to do with these
22 still photos?

23 A. I was going to show them to the private
24 investigator who was in the parking lot to see if he
25 recognized them as somebody that might have worked at

1 Enterprise or Pinnacle.

2 Q. Okay. Now, when you say private
3 investigator, who -- explain how a private
4 investigator was involved in this.

5 A. He was hired by Enterprise to try and track
6 down cars missing from the inventory and maybe try to
7 see who had taken them.

8 Q. Did he meet you at the Wal-Mart?

9 A. Yes, ma'am.

10 Q. Okay. So, why did he meet you at the
11 Wal-Mart?

12 A. He had been looking for the Charger, and he
13 found it at the Wal-Mart.

14 Q. Was he the one who contacted you and told
15 you that it was there in the first place?

16 A. He contacted Officer Zermeno who then
17 contacted me because he was out of town.

18 Q. And who was the private investigator, his
19 name, if you recall?

20 A. Oh, I have got it here. One second.

21 His name is Hunter Cox.

22 Q. Now, did you show the two photos, stills
23 that are entered into evidence, to Mr. Cox?

24 A. Yes, ma'am.

25 Q. And did he recognize who was in it?

1 A. He said it appeared to be Nettra Williams.

2 Q. Okay. Now what did you do next?

3 A. After that I went ahead and started about
4 the process of recovering the vehicle. He advised me
5 that Enterprise was going to have a wrecker come and
6 pick it up. And then he contacted Keith Jordan, who
7 was the regional manager for Pinnacle and asked if he
8 could come by and take a look at the images, as well.

9 Q. Okay. Now, you say someone came and towed
10 the car?

11 A. Yes, ma'am.

12 Q. And where did they tow it to?

13 A. I can tell you. It was towed to 21 --
14 21128 Spring Town Drive.

15 Q. Okay. When you watched the video, was the
16 person who was operating -- sorry -- the person who
17 got out of the car, did it appear to you that they
18 had been using or operating that vehicle?

19 A. Yes, ma'am.

20 Q. And why did it appear that way?

21 A. Because you can see the car pull into the
22 parking lot, get in the parking -- park in the
23 parking space, and the driver gets out.

24 Q. On the video did you see anybody else get
25 out of that car?

1 A. No, ma'am.

2 Q. So how many people got out?

3 A. One.

4 Q. One. And did this happen in Harris County,
5 Texas, at the -- well, you were at Wal-Mart?

6 A. Yes, ma'am.

7 Q. And that Wal-Mart is in Harris County,
8 Texas?

9 A. Yes, ma'am.

10 Q. Okay.

11 **MS. KOCH:** Pass the witness, Your
12 Honor.

13 **THE COURT:** Thank you.
14 Cross-examination?

15 **MS. FOOTE:** Thank you, Your Honor.

16 **CROSS-EXAMINATION**

17 Q. **(BY MS. FOOTE)** Good morning, Officer
18 Blankenship.

19 A. Morning, ma'am.

20 Q. Sergeant now, correct?

21 A. Yes, ma'am.

22 Q. All right. I guess I want to start with
23 when you went out to the scene, the only evidence
24 that was there was the vehicle, correct?

25 A. Correct.

1 Q. Okay. And that's the silver Dodge Charger,
2 I believe?

3 A. Yes, ma'am.

4 Q. Okay. Silver Dodge Charger.

5 At the time that you went out to the
6 vehicle, you were aware that this was a crime scene,
7 as far as a crime had been committed, the theft of a
8 car, unauthorized use of a car, something had
9 happened, correct?

10 A. Yes, ma'am.

11 Q. Okay. Now, in your investigation, you went
12 out and you tried to see who was going to get into
13 the car, correct?

14 A. Yes, ma'am.

15 Q. All right. Then when no one came to the
16 car, you went into the loss prevention; and you tried
17 to survey the video to determine if you saw anybody
18 get out of the car, correct?

19 A. Yes, ma'am.

20 Q. Okay. Did you do anything further in your
21 investigation to try to determine who the person or
22 persons were in the vehicle?

23 A. No, ma'am, aside from showing the images to
24 Mr. Cox and Mr. Jordan. Mr. Jordan.

25 Q. Okay. Your view on that video, were you

1 able to have a -- basically a 360-degree view of the
2 vehicle and what was going on in or around it.

3 A. 360? No. It was from the -- it was the
4 driver's side --

5 Q. Okay.

6 A. -- and elevated. So, you could see down
7 onto the car.

8 Q. Okay. And were you ever able to actually
9 see the defendant, Nettra Williams, in the Dodge
10 Charger?

11 A. I didn't know who it was at that time. All
12 I can say it was the female that was shown in that
13 image.

14 Q. Okay. But you didn't -- at the time, not
15 knowing who it was, could you see anybody in that
16 vehicle in the video that you viewed?

17 A. Not until they got out.

18 Q. Okay. So, you did not actually see Nettra
19 Williams -- or whoever it was that was driving that
20 car, you didn't see them driving that vehicle,
21 correct?

22 A. I don't think I understand your question.

23 Q. You didn't see Nettra Williams driving the
24 vehicle?

25 A. Correct. I don't know who Nettra Williams

1 is.

2 Q. Okay.

3 A. Or at that time I did not.

4 Q. Okay. The person that's in the photos,
5 State's Exhibits 1 and 2 --

6 A. Yes, ma'am.

7 Q. -- that was standing next to the Wal-Mart
8 sign and near the McDonald's --

9 A. Uh-huh (affirmative.)

10 Q. -- did you see her inside of the silver
11 Dodge Charger?

12 A. No. I saw her exit the driver's seat.

13 Q. In an effort to identify who was in the
14 vehicle, did you take any fingerprints?

15 A. No, ma'am.

16 Q. Was there any attempts at collecting DNA in
17 the vehicle?

18 A. No, ma'am.

19 Q. Okay. So, did you have occasion to, at any
20 point in time, meet up with the defendant before or
21 after her arrest?

22 A. No, ma'am.

23 Q. Were you involved in her arrest?

24 A. No, ma'am.

25 Q. So, what was your involvement as far as the

1 recovery of the vehicle and the charges that came
2 afterwards and so forth?

3 A. Like I said earlier, all I did was went out
4 there, located the vehicle, verified the license
5 plate and VIN number matched what was listed in the
6 report. Then met with -- excuse me -- met with
7 Ms. Martinez, looked at the video, obtained the two
8 still images that you have, and showed that to
9 Mr. Cox and Mr. Jordan, released the vehicle to
10 Mr. Cox, and it was towed by a wrecker back to
11 Enterprise. I then turned over my supplement that I
12 completed that day and the two images to Officer
13 Zermeno.

14 Q. Okay. So, you didn't collect any other
15 evidence in regards to helping to make an
16 identification or -- well, help to make an
17 identification in this case?

18 A. No, ma'am.

19 Q. Okay. The video that was submitted, did
20 you have any participation in what was compiled?

21 A. I guess I would say, yes, because I said,
22 "This is the car I'm looking at. I need any video
23 that you have of it when it arrived and if we can see
24 who gets out of it." And we were able to see the
25 person that get up -- met up with other individuals.

1 So, I let her know, "We need the image of the car
2 when it arrives and the person getting out and then
3 coming into the store."

4 Q. Okay. So, you had -- your testimony is you
5 had an extremely limited involvement and the only
6 thing you did were the things that you described
7 earlier, basically procuring the car for Enterprise,
8 right?

9 A. Yes, ma'am.

10 Q. And video to help any identification?

11 A. That's all different images.

12 Q. Sorry. Images. The images.

13 A. I apologize. The images.

14 Q. Did you ever have any contact with the
15 defendant at all?

16 A. No, ma'am.

17 **MS. FOOTE:** Pass the witness, Your
18 Honor.

19 **THE COURT:** Thank you.

20 Redirect?

21 **MS. KOCH:** Yes, Your Honor.

22 **REDIRECT EXAMINATION**

23 Q. **(BY MS. KOCH)** Officer, just to clarify, on
24 what date did you actually respond to the call and go
25 to Wal-Mart?

1 A. June 29th.

2 Q. But what day was the video taken on and the
3 car being driven?

4 A. The 28th.

5 Q. So, it was --

6 A. Previous night, yes, ma'am.

7 Q. Okay. Now, when Defense counsel asked if
8 you saw who was in the car, explain for the jury
9 exactly what you saw on the video, concerning just
10 the car driving in and the person getting out.

11 A. The car drives in, parks in a parking spot.
12 One individual gets out, which was the female shown
13 on the TV a minute ago; meets up with a couple of
14 other individuals -- or five other individuals --
15 individuals in the parking lot, and then they all
16 come into the store together.

17 Q. Now, Officer, can you please explain very
18 briefly what DNA is, not a scientific, but just very
19 briefly what a layperson would know to be DNA?

20 A. That's what makes us who we are. It's
21 unique to everybody.

22 Q. Okay. And you said that you were assigned
23 to the vehicular crime section, correct?

24 A. Yes, ma'am. I'm sorry. Auto theft.

25 Q. Auto theft. I'm sorry.

1 A. The other one is accidents.

2 Q. Auto theft.

3 Do you typically take DNA in your
4 cases in that division?

5 A. I have not, no, ma'am.

6 Q. So, how many cases have you worked up until
7 this point?

8 A. I would be lying if I tried to throw a
9 number at you. Eight years' worth.

10 Q. So, let's say over or under a thousand?

11 A. Oh, under, probably. I guess under.

12 Q. One hundred cases?

13 A. Over.

14 Q. Okay. So, in the amount of cases that you
15 worked, how many times did you send out someone to
16 collect DNA for these types of crimes?

17 A. I never did.

18 Q. Never? Not once?

19 A. No. I don't believe so.

20 Q. Okay. Now, describe what a fingerprint is.
21 How do you get a fingerprint?

22 A. Obviously, everybody's fingerprints are on
23 their fingers; and when you touch something, you
24 leave the oil on your skin behind.

25 Q. And where had this car been stolen from?

1 A. Enterprise.

2 Q. Okay. So, Enterprise owned the car?

3 A. Yes, ma'am.

4 Q. And did you get fingerprints in this case?

5 A. No, ma'am.

6 Q. Why not?

7 A. I didn't think it was going to be that
8 pertinent on that one because we had video of an
9 individual getting out that car, Mr. Cox and
10 Mr. Jordan identified as being Nettra Williams.

11 Q. Okay. Is there always a success rate when
12 you, I guess, look for fingerprints?

13 A. No, ma'am.

14 Q. Okay. Did you consider this evidence
15 stronger, I guess is my question?

16 A. Video?

17 Q. When I say this evidence, I mean the video.

18 A. Yes, ma'am.

19 Q. Okay.

20 **MS. KOCH:** No further questions.

21 **THE COURT:** Recross?

22 **MS. FOOTE:** Yes.

23 **REXCROSS-EXAMINATION**

24 Q. **(BY MS. FOOTE)** How many times have you
25 taken fingerprints in the eight years that you were

1 in the auto theft division?

2 A. I don't know. Twenty, 30, maybe.

3 Q. Okay. And those fingerprints do assist you
4 in making an identification, correct?

5 A. Yes, they can.

6 Q. And those fingerprints can make sure that
7 you actually have the right person, correct?

8 A. Yes, ma'am.

9 Q. Okay. And fingerprints are unique to each
10 individual, correct?

11 A. Yes, ma'am.

12 Q. So, a fingerprint can very well -- just as
13 DNA -- but very well be the answer to all the
14 questions that we have here today, correct?

15 A. Yes, ma'am.

16 Q. Okay. And how long or how hard of a
17 process is it to get a fingerprint?

18 A. Typically, not difficult.

19 Q. Okay. And fingerprints on surfaces such as
20 glass are easy to lift, correct?

21 A. Sometimes.

22 Q. Okay. Seeing as you had located the
23 vehicle in the parking lot from the night before, did
24 you see anybody come into contact with that vehicle
25 after this 10:00 time frame that you say you first

1 saw the Charger come into the parking lot at
2 Wal-Mart?

3 A. I did not watch the video from 10:00 --
4 10:09 p.m. all the way to the following morning.

5 Q. So, we actually have no idea, as far as
6 you're concerned, whether anybody else came to that
7 vehicle or manipulated that vehicle or did anything
8 with that vehicle after you first found it on the
9 video, correct?

10 A. Right. I don't know.

11 **MS. FOOTE:** Pass, Your Honor.

12 **MS. KOCH:** Very briefly.

13 **FURTHER REDIRECT EXAMINATION**

14 Q. **(BY MS. KOCH)** Out of the cases that you
15 have worked, how many times do you have the suspect
16 committing the crime on video?

17 A. I'd say fewer than 10 percent of the ones I
18 have had, just ballparking it.

19 Q. Okay. Okay. So, it's -- would you say
20 it's fairly rare to have the actual suspects
21 committing the crime on video?

22 A. Yeah. Yes.

23 Q. Okay. And now, you said that you didn't
24 watch, I guess, what happened to the car after the
25 suspect left the scene, correct?

1 A. Correct.

2 Q. Would that have changed your feeling in
3 this case?

4 A. I didn't --

5 Q. If someone had come and messed with the
6 car?

7 A. Probably not.

8 Q. And why not?

9 A. Because the way I understand it, the person
10 that was seen driving the car on that day was
11 identified as Nettra Williams.

12 Q. Okay. So, I guess what you are saying is
13 it wouldn't have affected whether this crime had been
14 committed?

15 A. No.

16 Q. Okay.

17 **MS. KOCH:** I have no further
18 questions, Your Honor.

19 **THE COURT:** Thank you.

20 **MS. FOOTE:** Thank you, Your Honor.

21 **FURTHER RECROSS-EXAMINATION**

22 Q. **(BY MS. FOOTE)** In your investigation, were
23 you ever -- did you ever come across the name
24 Marquita Kleverbough?

25 A. No, ma'am.

1 Q. Before filing charges -- well, you didn't
2 file charges in the case, but -- you were asked,
3 hypothetically, if you would have filed the same
4 charges based on what you saw on the video. Isn't it
5 true that you didn't actually see Nettra Williams in
6 that vehicle?

7 A. I saw the female shown in that picture
8 getting out of the car. So, did I physically see her
9 sitting in it? No. But I see her exiting it.

10 Q. The video that was provided, did it give
11 you an unobstructed view -- the one you saw, did it
12 give you an unobstructed view of all sides of that
13 vehicle?

14 A. No, because I couldn't see the passenger
15 side.

16 Q. You couldn't see the driver's side either,
17 correct?

18 A. No. I believe -- I believe you could see
19 the driver's side on it.

20 Q. Okay.

21 **MS. FOOTE:** Your Honor, I pass the
22 witness at this time.

23 **THE COURT:** Thank you.

24 **MS. KOCH:** We have no further
25 questions, Your Honor.