

1 MS. BARNETT: Deputy Byrd.

2 THE BAILIFF: He needs to be sworn.

3 (The witness was sworn.)

4 THE WITNESS: Your Honor, if it
5 pleases the Court, I have an ear ache, ear infection.
6 If they could speak up. It's not funny.

7 THE COURT: It's all right. You may
8 proceed.

9 MS. BARNETT: Thank you, Judge.

10 JIMMY BYRD,
11 having been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. BARNETT:

14 Q. Would you state your name for the record.

15 A. I'm Deputy Jimmy R. Byrd, Harris County
16 Sheriff's Office, badge number 2129.

17 Q. Deputy Byrd, how long have you been with
18 that Harris County Sheriff's Office?

19 A. Two decades.

20 Q. What's the most exciting part of being with
21 the Harris County Sheriff's Office over two --

22 A. Ma'am?

23 Q. What's the most exciting part of being with
24 the Harris County Sheriff's Office over two decades?

25 A. The most gratifying thing I ever done was

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1 found the missing children, never lost a single one.
2 Wasn't shot, cut, assaulted. It's not a job that you
3 will grow old in or older anyway.

4 Q. I want to take you back to September 28th
5 of 2011, and ask if you were working as a deputy with
6 the Harris County Sheriff's Office?

7 A. I was.

8 Q. What was your -- what area -- as a sheriff
9 deputy, what did you do?

10 A. I patrol in the Katy area, Katy, Texas.
11 Most people know where that is.

12 MS. BARNETT: Judge, may I move up a
13 little bit closer?

14 THE COURT: You may.

15 MS. BARNETT: Thank you.

16 THE WITNESS: Thank you.

17 Q. (BY MS. BARNETT) So on September 28th you
18 were working in the Katy area?

19 A. That's correct.

20 Q. Are you working on patrol?

21 A. Yes, ma'am.

22 Q. Did you get dispatched to a location in
23 Harris County, Texas, regarding a burglary?

24 A. That's correct.

25 Q. When you were dispatched to the burglary,

1 what time were you dispatched there?

2 A. Approximately 4 p. m.

3 Q. And did you meet somebody there at the
4 location?

5 A. Yes, I did. The complainant Ms. Crozier
6 lives on Williams Chase in Katy, Texas.

7 Q. When you were dispatched to that location,
8 was the -- is that an apartment complex or
9 residential area?

10 A. It is a residential area.

11 Q. What did you find when you got there?
12 Meaning, what kind of -- you were dispatched to a
13 burglary?

14 A. Correct.

15 Q. And so what did you see when you got there?

16 A. When I arrived, of course, the complainant
17 was distraught. She was standing in the driveway --

18 *THE REPORTER:* Excuse me, you need to
19 slow down a little bit.

20 A. The side gate to the residence was in the
21 open position. We walked around to the back of the
22 residence, the back door had been kicked in. A
23 violent crime. It had been kicked several times.
24 The door was metal so it had to be kicked several
25 times to break it in.

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1 Q. How could you tell the door was kicked in?

2 A. There was smudge marks on the door in
3 several places. If I'm not mistaken there's a dog
4 door there, the door had been kicked several times.
5 You could tell the smudging -- I couldn't tell if it
6 was it a hard sole shoe or a tennis shoe.

7 Q. When you say it's kicked in, does that mean
8 that it was kicked off its' hinges or to break the
9 lock?

10 A. The door and the door jamb as well as door
11 frame were destroyed.

12 Q. Destroyed.

13 A. Yes, ma'am.

14 Q. Did the house look like it was in disarray?

15 A. Yes, ma'am, it absolutely was. It had been
16 completely ransacked, the entire house.

17 Q. Describe that for us?

18 A. Well, I entered from the rear door, of
19 course, I could see that the things on the bar were
20 all scattered about. The complainant started showing
21 me through the house as I asked her questions and
22 there was a vault in the living room, she had a large
23 amount of papers on the fire vault and they had just
24 been knocked off, thrown all over the house. All of
25 her clothing in her drawers in the master bedroom

1 were gone through. Just everything that could be
2 gone through was.

3 Q. Did you take a report there at the scene?

4 A. I did.

5 Q. And what kinds of things did you document
6 at the scene?

7 A. Of course, she was distraught so she did
8 not know everything that was missing in the house so
9 I left her a supplemental report form, that's
10 standard operating procedure.

11 Q. What does that mean?

12 A. What's that?

13 Q. You left her a supplemental report, what
14 does that mean?

15 A. She started -- of course, she's excited so
16 she's telling me the things that she knows right away
17 that are missing. As we entered the back door of the
18 house, the laptop that was in the dining room was
19 missing, obviously there was a space where it was
20 gone and, obviously, the space where the fire vault,
21 firesafe was, it was vacated. The jewelry box and
22 the good jewelry was gone from upstairs. She knew
23 right away the things, and she was mostly worried
24 that all of her passports, birth certificates,
25 marriage license, all of her documentation had been

1 stolen.

2 Q. Do you sometimes try and find out if the
3 person whose house had been burglarized maybe has an
4 enemy or has some kind of ex-boyfriend or something
5 like that?

6 A. We always -- I always ask if they suspect
7 someone. Do you have a an ex-boyfriend? I don't go
8 into it to deeply. I ask if they have any idea who
9 did it.

10 Q. Did you ask that in this case?

11 A. I did ask Ms. Crozier if she had any
12 suspects in mind and she replied she did not.

13 Q. Were there any clues at the scene that you
14 could tell would have been able to help you find out
15 who the burglar was?

16 A. I take a lot of fingerprints because I've,
17 obviously, I've been doing this a long time. But
18 there was nothing for me to find at this place. I
19 looked as best I could. If they had come through a
20 window I could have, but I did not find any
21 discernable fingerprints at that location.

22 Q. In a kick burglary are you likely to
23 find -- is that going to be foot?

24 A. Yes, ma'am.

25 Q. How likely are you going to be able to find

1 a shoe print that you could match to somebody?

2 A. You can't match shoe prints, that's on TV,
3 that doesn't happen in the real world. I did look
4 for DNA evidence. Lot of times people will get cut
5 or they'll spit on something or they'll leave some
6 DNA and we're trained in that now, but there wasn't
7 nothing that I could find there.

8 Q. Like going through a broken window maybe?

9 A. Yes, ma'am. There would be blood traces,
10 yes, ma'am.

11 Q. Didn't have anything like that?

12 A. No, ma'am.

13 Q. I want to go through some of the things she
14 reported to you were stolen. Did you make note of
15 those in your report, sir?

16 A. Yes, ma'am.

17 *MS. BARNETT:* May I approach?

18 *THE COURT:* You may.

19 Q. *(BY MS. BARNETT)* What date is this going to
20 be, sir?

21 A. 28th of September, 2011.

22 Q. And the time that you arrived is going to
23 be what time -- you were dispatched what time?

24 A. Approximately 1,600 -- 4 p.m.

25 Q. Thank you for that. What were some of the

1 things -- let me back up for a minute. Is it when
2 people have their house broken into, are they able to
3 tell you right away everything that was taken?

4 A. Of course not.

5 Q. Why is that?

6 A. First of all, especially a young lady is
7 scared, she has to go through lot of emotion. Now
8 she doesn't ever feel safe in her home. Again --

9 MR. JONES: Your Honor --

10 THE COURT: That'll be sustained.

11 Q. (BY MS. BARNETT) Do they know right away
12 what all items are taken?

13 A. No, ma'am. And sometimes not for some
14 time, days or weeks.

15 Q. Let's go through the things that she told
16 you happened that day that were taken. Tell me what
17 they were?

18 A. The first thing that she noticed was her
19 laptop.

20 Q. Did she tell you what kind of laptop it was
21 as far as --

22 A. Yes. It was a Toshiba.

23 Q. What else?

24 A. The firesafe in the living room was
25 missing.

1 Q. Okay. And what was in the firesafe if you
2 know?

3 A. All of the her personal documentation,
4 passport. Birth certificates, naturalization papers.

5 Q. Go ahead.

6 A. In the master bedroom there was some
7 jewelry taken, not a lot because she said most of
8 that they left, they left the costume jewelry.

9 Q. So they took -- she had some jewelry that
10 was real or nicer and some were costume?

11 A. That's correct.

12 Q. And they took some or both or what or do
13 you know?

14 A. I do not know that.

15 Q. They took some jewelry?

16 A. Yes, ma'am. I do know in the upstairs
17 bedroom is where she kept the good jewelry in a chest
18 and all of that was gone.

19 Q. Was the entire chest gone or just the
20 jewelry from -- if you don't remember, that's find.

21 A. I don't remember that. It's been a long
22 time.

23 Q. Of course. Did she tell you what type of
24 jewelry was missing?

25 A. Not at that time.

1 Q. Anything else?

2 A. Yes. There was one other thing. She was
3 missing some cash. S he advised me she had \$200 in
4 cash in the firesafe and she had quite a bit of
5 coins, approximately a hundred dollars worth of
6 change in a bag and I believe that was on the bar or
7 maybe it was in the dining room, I'm not sure where

8 Q. Okay. \$200 cash and \$100 in coins.

9 A. Yes, ma'am.

10 Q. Was there anything else that she was able
11 to report to you that night?

12 A. No.

13 MS. BARNETT: I'll pass the witness.

14 THE COURT: Thank you.

15 **CROSS-EXAMINATION**

16 BY MR. JONES:

17 Q. Deputy Byrd, I think I have a few questions
18 of you, sir. Does the Harris County Sheriff's
19 Department have a crime scene unit?

20 A. We do have a crime scene unit.

21 Q. Does that crime scene unit often times get
22 called out to scenes where you're investigating
23 various crimes?

24 A. Not the kind of crime that I was
25 investigating.

1 Q. Well, you're the person who can request a
2 crime scene unit; is that correct?

3 A. No, sir. No, I'm just a deputy.

4 Q. You can ask -- tell a sergeant and a
5 sergeant can?

6 A. Yes, sir.

7 Q. Request a crime scene. Did you request any
8 sergeants to come out and investigate that?

9 A. No, sir. I'm a highly trained
10 investigator.

11 Q. Some of that stuff on CSI, some of it's
12 real, isn't it?

13 A. Not that I can tell you.

14 Q. You got these little flashlights you can
15 take and you can shine on the object --

16 A. Never even seen one.

17 Q. They won't buy you one?

18 A. Absolutely not.

19 Q. But if you had one it might help?

20 A. Not in this case it would not have.

21 Q. But the purpose is for you to be able to
22 detect things that are not necessarily detectable by
23 the naked eye; is that correct?

24 A. Me personally?

25 Q. Well, anyone who's conducting an

1 investigation?

2 A. Just a regular civilian would overlook
3 certain things like the DNA I was speaking of
4 earlier.

5 Q. Did you ever attempt use any powder or to
6 detect any fingerprints did you ever dust anything?

7 A. No.

8 Q. Is it possible to dust places where you
9 don't see fingerprints and, in fact, be able to see a
10 latent print?

11 A. And in fact what?

12 Q. See a latent print?

13 A. A lot of times -- you can pull prints off
14 of a lot of things. You can't pull them off of most
15 things. So, you know, there again, as an
16 investigator you know what to look for and I did not,
17 as I explained to the jury earlier, I was not able to
18 find any.

19 Q. But you did not attempt dust there?

20 A. I did not put fingerprint powder in her
21 house for no reason.

22 Q. How long were you at the residence?

23 A. Sir?

24 Q. How long were you at the residence?

25 A. I do not know, do not remember.

1 Q. Three hours?

2 A. Negative.

3 Q. Did you write down how long you were there
4 on your --

5 A. No, we don't do that.

6 Q. You been -- is Katy your area of patrol?

7 A. Sir?

8 Q. Is Katy your area of patrol?

9 A. Yes, sir.

10 Q. You have been patrolling as they call it
11 the Katy Prairies?

12 A. Yes, sir.

13 MR. JONES: Pass the witness, Judge.

14 THE COURT: Thank you.

15 MS. BARNETT: I don't have anymore
16 questions, Judge.

17 THE COURT: Can he finally be excused?

18 MS. BARNETT: Yes, Your Honor.

19 THE WITNESS: Thank you, Your Honor.

20 Thank you, folks.

21 THE COURT: Call your next witness.

22 MS. BARNETT: Deputy Tommy.

23 *(The witness was sworn.)*

24 THE COURT: Have a seat in the witness
25 stand, please, Deputy. You may proceed.