

1 Q. Okay. And it was a person named Jaqueline  
2 Mack?

3 A. Correct.

4 Q. It was not leased to Theadric Lee, was it?

5 A. No, it was not.

6 MR. LOPER: Thank you, sir. That's all I  
7 have, Judge.

8 THE COURT: Ms. Devine.

9 MS. DEVINE: I have no further questions,  
10 Your Honor.

11 May this witness be excused?

12 THE COURT: You may step down. You're free  
13 to go.

14 Call your next witness.

15 MS. DEVINE: State calls Deputy William  
16 Campbell.

17 THE BAILIFF: The witness has been sworn.

18 THE COURT: All right.

19 THE WITNESS: Good morning.

20 THE COURT: Good morning. Have a seat.

21 Ms. Devine.

22 MS. DEVINE: Thank you, Your Honor.

23 **WILLIAM CAMPBELL,**

24 having been first duly sworn, testified as follows:

25 **DIRECT EXAMINATION**

1 **BY MS. DEVINE:**

2 Q. Good morning, Deputy Campbell.

3 A. Good morning.

4 Q. Would you please introduce yourself to the  
5 ladies and gentlemen of the jury?

6 A. My name is William Campbell.

7 Q. And are you a certified peace officer in the  
8 state of Texas?

9 A. I am.

10 Q. How long have you been so?

11 A. In the state of Texas?

12 Q. Yes.

13 A. Probably 23, 24 years.

14 Q. Okay. And were you a police officer elsewhere?

15 A. Yes.

16 Q. Where?

17 A. U of H main campus, Mississippi State Police,  
18 and Tyler P.D.

19 Q. And was the Mississippi State Police prior to  
20 you coming to Texas and becoming a police officer here?

21 A. Yes.

22 Q. Who do you currently work for?

23 A. Harris County Sheriff's Department.

24 Q. How long have you been with the Harris County  
25 Sheriff's Office?

1 A. In August it will be 21 years.

2 Q. And what division are you currently assigned  
3 to?

4 A. The Special Investigations Division, Crime  
5 Scene.

6 Q. How long have you been with the Crime Scene  
7 Unit?

8 A. Seven years.

9 Q. And prior to that, where within the office did  
10 you work?

11 A. I worked in Detentions Bureau.

12 Q. That would be over in the jail?

13 A. Correct.

14 Q. What was the agency you worked for immediately  
15 prior to coming to the sheriff's department?

16 A. It was U of H, the main campus.

17 Q. That would be down south, south side of  
18 downtown?

19 A. Yes, ma'am, off of Cullen.

20 Q. How long did you work there?

21 A. Two-and-a-half years.

22 Q. And prior to that, where did you work?

23 A. As a state trooper, Mississippi.

24 Q. When is it that you worked for the Tyler Police  
25 Department?

1           A.    1981 through '84.

2           Q.    Prior to becoming a Crime Scene Unit, did you  
3 have to go through any specialized training?

4           A.    I did.

5           Q.    And tell us a little bit about that.

6           A.    I have a list here.  Basically, I've been  
7 through a collection, documentation, preservation of  
8 footwear, tire track evidence; basic forensic  
9 ridgeology; fundamentals of latent fingerprints;  
10 footwear impression comparison and examination;  
11 intermediate crime scene investigations; basic homicide  
12 investigations; DNA and expert witness seminar, crime  
13 scene search; practical homicide investigations; FBI  
14 fingerprint classification; DNA evidence; medical death  
15 investigations; bloodstain pattern analysis; basic  
16 photography; develop, lift, and document fingerprints;  
17 fluorescence training; use of force concepts or police  
18 involved -- officer-involved shootings; advanced  
19 forensic digital imaging; video camcorder techniques for  
20 law enforcement; homicide investigation procedure and  
21 tactics; forensic photography one; and advanced  
22 palmprint comparison techniques.

23           Q.    And have all of those crime scene related  
24 trainings come during your tenure with the unit?

25           A.    Yes.

1 Q. And in addition to that, you get on-the-job  
2 training with every scene that you work, correct?

3 A. Correct.

4 Q. Now, have you worked scenes on few or many  
5 occasions?

6 A. Many.

7 Q. And primarily the scenes you work involve when  
8 somebody dies, correct?

9 A. Correct.

10 Q. That's primarily what you-all get called out  
11 to?

12 A. That is correct.

13 Q. And it's not necessarily a -- you get called  
14 out to suicides, accidental deaths, things like that as  
15 well, right?

16 A. Yes, ma'am.

17 Q. What are your specific duties as a Crime Scene  
18 Unit when you get called out to a scene?

19 A. The basic definition would be, the job as a CSI  
20 is to identify, collect, document physical evidence at a  
21 crime scene and to ensure that its integrity remains  
22 intact.

23 Q. And have you worked scenes both as the primary  
24 Crime Scene Unit and the secondary Crime Scene Unit?

25 A. I have, yes.

1 Q. Is what you do like what you see on TV?

2 A. No.

3 Q. Do you-all drive Hummers?

4 A. No.

5 Q. Do you-all get to wear nice suits?

6 A. No.

7 Q. Or sunglasses?

8 Do you have those fancy computers that you  
9 see on TV?

10 A. No. No, we don't.

11 Q. Not at all like that?

12 A. Not at all.

13 Q. Okay. What shift have you worked since you've  
14 been a Crime Scene Unit?

15 A. Primarily the midnight shift, 10:00 to 6:00.

16 Q. 10:00 p.m. to 6:00 a.m.?

17 A. Yes, ma'am.

18 Q. What days of the week do you work?

19 A. Monday through Friday.

20 Q. And were you working that shift those days back  
21 in December of 2009?

22 A. I was.

23 Q. Were you on duty at about 3:00 o'clock, just  
24 shy of 3:00 o'clock in the morning on Thursday, December  
25 3rd, 2009?

1 A. Was it 2009 or --

2 Q. Yes.

3 A. I mean, December 9th or December 3rd?

4 Q. December 3rd, 2009.

5 A. Yes, ma'am, I was. Sorry.

6 Q. If I said 9th, I'm sorry. I misspoke.

7 Where do you stay until you get a scene?

8 A. We have an office downtown in the next building  
9 at 1301 Franklin.

10 Q. Did you get notification from your supervisor  
11 in the office on that morning to respond to a particular  
12 location?

13 A. I did.

14 Q. Who was your sergeant?

15 A. Sergeant Gardner.

16 Q. And where did you go after you -- after he  
17 spoke to you?

18 A. He informed me that there was a hospital  
19 follow-up at 1504 Taub, which is Ben Taub Hospital.

20 Q. What is a hospital follow-up?

21 A. It's usually when we have a person that's been  
22 shot or stabbed, has some major physical injuries that  
23 we go to, and we conduct an investigation at that  
24 location.

25 Q. What types of things do you do at the hospital

1 with respect to that injured person?

2 A. We photograph the injuries, if possible. We,  
3 at times, collect what they call an SEM kit for gunshot  
4 residue. Sometimes we'll take saliva or blood samples  
5 for DNA purposes. And we try to collect the clothing of  
6 the individual.

7 Q. So, you went to Ben Taub. Where did you go  
8 when you got there?

9 A. I was directed to emergency room one.

10 Q. And who did you see when you got to emergency  
11 room one?

12 A. He was identified as Juan Cesarez Rodriguez.

13 Q. And was he receiving medical attention at the  
14 time?

15 A. He was.

16 Q. What did you do when you got into the emergency  
17 room and saw him?

18 A. The first thing -- well, I noticed he was  
19 unconscious. And so, the first thing I do is I take  
20 photos.

21 Q. Did the hospital personnel, within limits,  
22 allow you to do that since that's what your job is  
23 there?

24 A. Yes, ma'am, they allow us. I know the medical  
25 procedure and attendance is, of course, primary



1 priority. We try to work around the medical personnel.

2 Q. And are they pretty accommodating in letting  
3 you do that?

4 A. Yes.

5 MS. DEVINE: Your Honor, may I approach the  
6 witness?

7 THE COURT: Yes.

8 Q. (By Ms. Devine) Deputy Campbell, I'm showing  
9 you what's been marked as State's Exhibit 97. Do you  
10 recognize that photo (indicating)?

11 A. I do.

12 Q. Did you take that photo?

13 A. I did.

14 Q. Have you had an opportunity to see this prior  
15 to your testimony?

16 A. Yes.

17 Q. Does it fairly and accurately depict what's  
18 shown in the photo in the morning hours of December 3rd,  
19 2009?

20 A. Yes, ma'am.

21 MS. DEVINE: Your Honor, after tendering to  
22 defense counsel, I offer State's Exhibit No. 97 into  
23 evidence.

24 **(State's Exhibit No. 97 Offered)**

25 MR. GRABER: Judge, may we approach

1 briefly?

2 THE COURT: Okay.

3 (At the Bench, on the record)

4 MR. GRABER: Judge, regarding State's  
5 No. 97, this photograph, the cause of death of the  
6 complainant is not an issue in the case. Therefore,  
7 under Rule 403, we object to this document or to this  
8 photograph --

9 THE COURT: Can I see it?

10 MR. GRABER: -- based on the prejudicial  
11 effect that that photo could have on the jury. And  
12 under Rule 401 regarding just a relevance objection.

13 THE COURT: Sustained.

14 (Open court, defendant and jury present)

15 Q. (By Ms. Devine) What did you observe about the  
16 injuries that the complainant sustained at the time that  
17 you observed him in the emergency room?

18 A. The victim had multiple gunshot wounds to his  
19 body. And, again, he was unconscious.

20 Q. What did you do with respect to -- were his  
21 hands bagged at the time he was in the emergency room?

22 A. I can't recall.

23 Q. Is that something that would usually happen in  
24 regards to a shooting investigation?

25 A. Not during the time they're administering their

1 care to him. Maybe at a later time.

2 Q. If they don't survive, by the time they make it  
3 to the medical examiner's office, are their hands  
4 typically bagged?

5 A. Yes.

6 Q. Okay. So, what did you do with respect to the  
7 complainant while in the emergency room in addition to  
8 taking photographs?

9 A. I collected a blood-soaked T-shirt. And, of  
10 course, it had been cut up by the medical personnel. At  
11 approximately 300 hours, 033 in the morning, Dr. Norman  
12 pronounced him deceased.

13 Q. Did you do anything with respect to the  
14 complainant's hands?

15 A. Yes. I administered -- I broke the seal and I  
16 administered an SEM kit for gunshot residue.

17 Q. And did you take any other samples from the  
18 complainant?

19 A. Yes. I collected a blood swab.

20 Q. And for what purpose do you do those things?

21 A. For DNA. And that was prior to him expiring.

22 Q. Did you meet with medical personnel and collect  
23 anything from them at the hospital?

24 A. Yes.

25 Q. What was that?

1           A.    It was a projectile that was near the surface  
2 of his neck.  I removed it.

3                   MS. DEVINE:  Your Honor, may I approach?

4                   THE COURT:  Yes.

5           Q.    (By Ms. Devine) Deputy Campbell, I'm showing  
6 you what's been marked as State's Exhibit No. 98, as  
7 well as the packaging that it came in.  Do you recognize  
8 these items (indicating)?

9           A.    I do.

10          Q.    And, in fact, is this the item that you  
11 collected for medical personnel?

12          A.    It is.

13          Q.    How can you tell that?

14          A.    It has an evidence seal and my initials on both  
15 of the containers.

16                   MS. DEVINE:  Your Honor, at this time I  
17 will offer the jar marked State's Exhibit No. 98 and its  
18 contents, tendering to defense counsel for objection and  
19 inspection.

20                           **(State's Exhibit No. 98 Offered)**

21                   MR. GRABER:  No objection, Judge.

22                   THE COURT:  State's 98 is admitted.

23                           **(State's Exhibit No. 98 Admitted)**

24          Q.    (By Ms. Devine) And what is State's 98?

25          A.    It is a projectile.

1 Q. And where was this recovered from?

2 A. From his neck area.

3 Q. When you were finished at the hospital, were  
4 you directed by your supervisor to go to another  
5 location with respect to this same incident?

6 A. I was.

7 Q. And about what time was that?

8 A. That was approximately 335 hours that I was  
9 notified.

10 Q. That would be 3:35 in the morning, right?

11 A. Yes, ma'am.

12 Q. And where did you go?

13 A. The address was 2626 Homer.

14 Q. And what was your purpose to be at that  
15 location?

16 A. For evidence recovery.

17 Q. About what time did you get to that location?

18 A. I arrived at approximately 0419 hours.

19 Q. And who did you meet with first when you got  
20 there?

21 A. There was a Deputy Wareham that was providing  
22 scene security.

23 Q. And is he with the sheriff's department as  
24 well?

25 A. Yes, ma'am.

1 Q. At some point did another -- did a homicide  
2 investigator arrive?

3 A. Yes.

4 Q. Who was that?

5 A. Investigator Russell Gonzales.

6 Q. Do you recognize him as having testified right  
7 before you?

8 A. Yes, ma'am.

9 Q. Can you tell the jury a little bit about what  
10 the conditions were like out there when you got out to  
11 2626 Homer?

12 A. The -- Homer is a dead-end roadway. The house  
13 that I responded to had been abandoned. It was boarded  
14 up and there was very little lighting, if any. It was  
15 very, very dark. And we had intermittent rain during  
16 the time.

17 Q. What did you observe -- 2626 Homer, the  
18 abandoned house, what did you observe when you pulled up  
19 at that location?

20 A. When I pulled up, I observed a black Chevrolet  
21 pickup, both of the driver's and passenger doors were  
22 open.

23 Q. Is that what we see in State's Exhibit No. 75  
24 (indicating)?

25 A. Yes.

1 Q. Okay. With the exception of the doors being  
2 open?

3 A. Correct.

4 Q. Did you document the license plate number?

5 A. I did.

6 Q. And did you check that license plate number?

7 A. I did later, not while at the scene.

8 Q. Okay. For what purpose do you do that?

9 A. For stolen.

10 Q. At the point that you arrived and saw the doors  
11 were opened, what did you do with respect to the doors?

12 A. Due to the rain conditions, I went ahead and  
13 secured them because I knew the vehicle would be  
14 processed at a later date in time. So, I didn't want  
15 any of the water elements washing away any possible DNA  
16 evidence that would be on the doors.

17 Q. Is that pretty commonplace, when you recover a  
18 vehicle at a location that you suspect was involved in a  
19 homicide, to have it transported for later processing?

20 A. Yes.

21 Q. Rather than processing it at the scene?

22 A. Absolutely, yes.

23 Q. And in light of the conditions, the darkness,  
24 and the weather, was that even more likely that that was  
25 going to happen that way?

1           A.    Yes, absolutely.

2           Q.    Did you meet with any other officers while you  
3 were out there?

4           A.    Yes.  We had a -- I met with an HPD Officer  
5 Crawford.

6           Q.    And did you get some information from him?

7           A.    I did.  He did a --

8                   MR. GRABER:  I'm going to object to  
9 nonresponsive and hearsay.  I object to hearsay.

10                   THE COURT:  Sustained.

11           Q.    (By Ms. Devine) Did you have a conversation  
12 with him?

13           A.    I did.

14           Q.    And after your conversation, did he take you  
15 somewhere?

16           A.    He did.  He showed me the -- the west side of  
17 the residence where we discovered a baseball cap that  
18 was left on the ground and a shotgun that was partially  
19 submerged in a creek behind the residence.

20                   MS. DEVINE:  Your Honor, may I approach the  
21 witness?

22                   THE COURT:  Yes.

23           Q.    (By Ms. Devine) Deputy, I'm showing you what's  
24 been marked as State's Exhibit No. 99.  Do you recognize  
25 that photograph and what's contained in it (indicating)?



1 A. I do.

2 Q. Did you actually take that photograph?

3 A. I did.

4 Q. And does it fairly and accurately depict the  
5 scene on the west side of 2626 Homer as you found it?

6 A. Yes.

7 MS. DEVINE: Your Honor, after tendering to  
8 defense counsel, who's had an opportunity to view these  
9 photographs prior to trial, I'll offer State's Exhibit  
10 99 into evidence.

11 **(State's Exhibit No. 99 Offered)**

12 MR. GRABER: No objection, Judge.

13 THE COURT: State's 99 is admitted.

14 **(State's Exhibit No. 99 Admitted)**

15 Q. (By Ms. Devine) Is this the baseball cap that  
16 we're talking about?

17 A. Yes, ma'am.

18 Q. And just for clarification purposes, the house  
19 is going to be back down the bottom right-hand corner of  
20 this photograph, right (indicating)?

21 A. Bottom right, yes, ma'am.

22 Q. Directly -- if you keep going straight directly  
23 behind this, what do you run into (indicating)?

24 A. A creek area.

25 Q. Like a drainage ditch?

1 A. Yes, ma'am.

2 Q. Deputy Campbell, does this map pretty much show  
3 where you were that night or morning hours,  
4 December 3rd, 2009?

5 A. Yes, ma'am.

6 Q. Can you point for the jury where you were?

7 A. It's going to be around right here  
8 (indicating).

9 Q. Pretty much almost at the end of that dead-end  
10 street?

11 A. Yes, ma'am.

12 Q. Okay. And the blue line that's shown on the  
13 top of the screen at the moment, is that that drainage  
14 ditch that we're talking about (indicating)?

15 A. Yes, ma'am.

16 Q. Now, when Officer Crawford -- after a  
17 conversation with Officer Crawford and he showed you the  
18 baseball cap, did he take you somewhere else?

19 A. Yes. We went to Garapan Street.

20 Q. Did you find any additional evidence behind  
21 that house at 2626 Homer?

22 A. I don't believe so.

23 Q. Let me show you State's Exhibit 76  
24 (indicating).

25 A. Well, other than the shotgun, of course.

1 Q. You had mentioned that before. I want to  
2 follow up on that.

3 A. Yes.

4 Q. Do you recognize State's Exhibit 76  
5 (indicating)?

6 A. I do.

7 Q. And did you, in fact, take that photo?

8 A. I did.

9 Q. Okay. Where did this all take place?

10 A. This was directly behind the house in the  
11 drainage ditch.

12 Q. What is it that you located in the drainage  
13 ditch that's shown in that photograph?

14 A. That's a 12-gauge Remington 870 pump.

15 MS. DEVINE: Your Honor, may I approach the  
16 witness?

17 THE COURT: Yes.

18 MS. DEVINE: I don't believe I did this  
19 before, Judge, but I'll ask the deputy to clear this  
20 weapon.

21 THE BAILIFF: The weapon is clear.

22 THE COURT: All right.

23 Q. (By Ms. Devine) Deputy Campbell, I'm showing  
24 you what's been marked as State's Exhibits No. 191 and  
25 192 and the packaging of those items. Do you recognize

1 191 and 192 (indicating)?

2 A. I do.

3 Q. And how do you recognize them?

4 A. The same with the evidence seal and my initials  
5 on the package.

6 Q. Okay. And the serial number that's on 191  
7 matches the documentation that you placed when you  
8 collected the evidence and secured it for processing?

9 A. Yes, ma'am.

10 Q. Does it appear to be in the same condition as  
11 when you found it?

12 A. It does.

13 Q. Was it loaded?

14 A. Yes, it was.

15 Q. And what was it loaded with?

16 A. It had one fired 3-inch Express Magnum shell in  
17 the chamber and -- one, two, three, four -- five shells  
18 that were in the tube. It has an extended tube on  
19 there.

20 Q. And is that what we have in State's Exhibit 192  
21 (indicating)?

22 A. Yes, ma'am.

23 Q. At the time you recovered it, did you render it  
24 safe?

25 A. I did.

1 Q. And how did you do that?

2 A. I actually took the shells out of the tube  
3 first and then I ejected the spent shell casing out of  
4 the chamber.

5 MS. DEVINE: Your Honor, at this time I  
6 will offer State's Exhibit No. 191 and 192 into evidence  
7 after tendering to defense counsel for objection and  
8 inspection.

9 **(State's Exhibit No. 191 and 192 Offered)**

10 MR. GRABER: No objection, Judge.

11 THE COURT: State's 191 and 192 are  
12 admitted.

13 **(State's Exhibit No. 191 and 192 Admitted)**

14 THE COURT: Ladies and gentlemen of the  
15 jury, for your information, I think I told you at the  
16 beginning that you would be allowed to look at all the  
17 evidence in the jury room. I never send weapons and  
18 bullets back to the jury at the same time. Never lost a  
19 juror at this point in time, don't want to lose one now  
20 or in the future. So, if you want to look at the  
21 bullets, you get to look at those; if you want to look  
22 at the gun, you get to look at those, but not at the  
23 same time. Okay? Just so you know, that's my policy  
24 for every jury. So, there you go.

25 Go ahead, Ms. Devine.

1 MS. DEVINE: Thank you, Judge.

2 Q. (By Ms. Devine) While you were at 2626 Homer,  
3 was there a suspect in custody?

4 A. Yes, ma'am, there was.

5 Q. Do you see a person in the courtroom that was  
6 being detained in the back seat of the patrol car at  
7 2626 Homer?

8 A. I do.

9 Q. Can you point to that person and identify an  
10 article of clothing that they are wearing?

11 A. It's the defendant here with the white shirt.

12 Q. What color tie?

13 A. Brown, gold.

14 MS. DEVINE: Your Honor, may the record  
15 reflect the witness has identified the defendant?

16 THE COURT: Yes.

17 Q. (By Ms. Devine) And did you get him out of the  
18 patrol car?

19 A. Yes.

20 Q. And for what purpose?

21 A. To administer an SEM kit for gunshot residue.

22 Q. And did you do anything else?

23 A. Photographed him.

24 Q. And for what purpose do you photograph a  
25 suspect who's taken into custody in a homicide

1 investigation?

2 A. Various reasons. To depict what he was wearing  
3 at the time, a lot of times if there's any kind of blood  
4 spatter or what articles of clothing he was wearing.

5 Q. Perhaps, if they have any injuries?

6 A. Yes.

7 Q. State's Exhibit No. 88, did you take that  
8 photograph (indicating)?

9 A. I did.

10 Q. Okay. And was that when you got the defendant  
11 out of the patrol car?

12 A. Yes, ma'am.

13 Q. Now, you said you administered an SEM kit. Can  
14 you tell the jury what that is?

15 A. It's a kit that comes in a white envelope. It  
16 has a pair of gloves, latex gloves. It has what are  
17 called three dobbers. They're little canisters that  
18 have a dobber on them and they're kind of sticky so we  
19 can run them over their hand. The first thing I do  
20 is -- they have a controlled sample, so I dobb the  
21 gloves and I dobb myself first with the gloves and then  
22 I do his hands both front and back for collection of  
23 gunshot residue, possible --

24 Q. I'm sorry. Go ahead.

25 A. Go ahead.

1 Q. Prior to administering the SEM kit, do you  
2 photograph the suspect's hands?

3 A. Yes, ma'am, I do.

4 Q. And in this case, did you photograph this  
5 defendant's hands?

6 A. I did.

7 Q. What did you note about the defendant's hands  
8 when you photographed him?

9 A. That he had a light coating of mud or dirt on  
10 his hands.

11 Q. And is that what's reflected in State's Exhibit  
12 No. 95 (indicating)?

13 A. Yes, ma'am.

14 MS. DEVINE: Your Honor, may I approach the  
15 witness?

16 THE COURT: Yes.

17 Q. (By Ms. Devine) Deputy Campbell, I'm showing  
18 you what's been marked as State's Exhibits No. 100, 101,  
19 and 102, as well as the packaging that they came in. Do  
20 you recognize these items (indicating)?

21 A. Yes, ma'am.

22 Q. How do you recognize them?

23 A. Same thing, my evidence seal and my initials.

24 Q. Do they appear to be in the same condition as  
25 when you obtained them from the defendant and submitted



1 them for processing?

2 A. Other than the writing on them.

3 Q. I'm sorry?

4 A. Other than the writing on them, yes.

5 Q. And that writing on them comes from the medical  
6 examiner's office?

7 A. Yes, ma'am.

8 Q. Or as it's called now, the Institute of  
9 Forensic Sciences?

10 A. Correct.

11 Q. That's just their lab number, correct?

12 A. Correct.

13 MS. DEVINE: Your Honor, at this time, I'll  
14 offer State's Exhibits 100, 101, and 102 after tendering  
15 to defense counsel.

16 Your Honor, just for purposes of the  
17 record --

18 Q. (By Ms. Devine) Deputy, what are these items?

19 A. Those are the dobbers that come inside the SEM  
20 kits.

21 Q. And are these, in fact, the SEM kit dobbers  
22 that you administered to this defendant on December 3rd,  
23 2009?

24 A. Yes, ma'am.

25 MS. DEVINE: Now I'll offer them.

1                   **(State's Exhibit No. 100 through 102**  
2                   **Offered)**

3                   MR. GRABER: No objection to 100, 101, and  
4 102.

5                   THE COURT: 101 -- pardon me. 100, 101,  
6 and 102 are admitted.

7                   **(State's Exhibit No. 100 through 102**  
8                   **Admitted)**

9                   Q. (By Ms. Devine) Deputy Campbell, sitting  
10 upright -- this is probably the best you can see it --  
11 that little kind of mostly rounded shape, is that the  
12 sticky part of the dobber that you talked about  
13 (indicating)?

14                  A. It is. Yes, ma'am.

15                  Q. That's intended to collect, if there is any,  
16 gunshot residue on a person's hands?

17                  A. Correct.

18                  Q. Once you're finished with that kit, what do you  
19 do with it?

20                  A. I seal it up -- well, I fill out the form,  
21 finish completing the form that comes with it, and then  
22 I seal it up, initial it, and submit it to the Harris  
23 County Institute for Forensic Sciences for gunshot  
24 residue analysis.

25                  Q. What's the last thing you do at the 2626 Homer

1 location?

2 A. Load up the vehicle for transport to our CSU  
3 print stall.

4 Q. When you say load it up, it just gets hooked up  
5 to a wrecker and --

6 A. Milstead Wrecker Company, yes, ma'am.

7 Q. Where did you order that it be towed to?

8 A. 601 Lockwood, our print stall.

9 Q. Is that an enclosed area?

10 A. Enclosed and secured.

11 Q. And for what purpose was it transferred there  
12 as opposed to an unenclosed or unsecured location?

13 A. Well, it's there because it can't be tampered  
14 with and there's adequate lighting to further process a  
15 vehicle.

16 Q. Did you go anywhere else that night?

17 A. Yes. I left Homer and proceeded to the next  
18 street north of Homer to Yorkdale Missionary Baptist  
19 Church at 2458 Garapan Street.

20 Q. And on State's Exhibit No. 98 -- 68 -- I'm  
21 sorry. Do you see that designated on State's 68  
22 (indicating)?

23 A. It's right there (indicating).

24 Q. So, it's just to the north of that drainage  
25 ditch, correct?

1 A. Yes, ma'am.

2 Q. Who did you meet up with when you got there?

3 A. I met up with Deputy Day.

4 Q. Is he also with the sheriff's department?

5 A. He is, yes, ma'am.

6 Q. And did he have some items for you that he had  
7 collected during his involvement in this investigation?

8 A. Yes, ma'am, he did.

9 Q. And what is it that he gave you?

10 A. He had a Bushmaster AR-15 223, which had a  
11 magazine inserted into it, and three cell phones that  
12 were in a bag.

13 MS. DEVINE: Your Honor, may I approach the  
14 witness?

15 THE COURT: Yes.

16 Q. (By Ms. Devine) Deputy Campbell, I'm showing  
17 you what's been marked as State's Exhibit No. 195. Do  
18 you recognize this item (indicating)?

19 A. Yes, ma'am.

20 Q. And how do you recognize it?

21 A. The packaging it came in. Again, my initials  
22 and the seal on it.

23 Q. And do you document the serial number on your  
24 evidence tag?

25 A. Yes. Yes, it's here (indicating).

1 Q. Okay. Does it match the tag that's on the  
2 packaging?

3 A. It does.

4 Q. Does it appear to be in the same condition as  
5 when you recovered it from Deputy Day?

6 A. Yes, ma'am.

7 Q. And you said it had a magazine. I'm showing  
8 you what's been marked as State's Exhibit No. 196. Do  
9 you recognize that (indicating)?

10 A. I do.

11 Q. And is that the magazine that was in the gun at  
12 the time you recovered it?

13 A. Yes, ma'am.

14 Q. I'm showing you what's been marked as State's  
15 Exhibit No. 197. Do you recognize the contents of that  
16 package (indicating)?

17 A. I do.

18 Q. And how do you recognize it?

19 A. Again, my -- well --

20 Q. Is it documented on your evidence tag as well?

21 A. This doesn't have it.

22 Q. On the primary packaging evidence tag?

23 A. Yes, ma'am. Yes.

24 Q. And do these all appear to be in the same  
25 condition as when you recovered them and tagged them

1 into the property room at the sheriff's department?

2 A. Yes, ma'am.

3 MS. DEVINE: Your Honor, at this time, I  
4 will offer State's Exhibits No. 195, 196, and 197 into  
5 evidence after tendering to defense counsel for  
6 objection and inspection.

7 **(State's Exhibit No. 195 through 197**  
8 **Offered)**

9 MR. GRABER: No objections to 195, 196,  
10 197.

11 THE COURT: State's 195, 196, and 197 are  
12 admitted.

13 **(State's Exhibit No. 195 through 197**  
14 **Admitted)**

15 Q. (By Ms. Devine) Deputy Campbell, what is in  
16 State's 197 (indicating)?

17 A. Those are live 223 rounds, 223-caliber.

18 Q. And is that the type of ammunition that State's  
19 Exhibit No. 195 uses?

20 A. It does.

21 Q. And were they all loaded into State's Exhibit  
22 No. 196?

23 A. All of them with the exception of one.

24 Q. And where was the one that wasn't in the  
25 magazine?

1 A. In the chamber.

2 Q. Ready to fire?

3 A. Yes.

4 Q. How many -- what is the capacity of the  
5 magazines, State's 196?

6 A. Thirty rounds.

7 Q. Okay. So, what is the maximum capacity of the  
8 AR-15, State's 195?

9 A. It would be 31 if you loaded that and put one  
10 in there before.

11 Q. And how would one do that?

12 A. You could -- two ways. You could insert the  
13 magazine into the rifle and pull the charging handle  
14 back and let it go forward, disconnect the magazine and  
15 load one more round in there. Or you could lock the  
16 slide back, put a round in the chamber, let the slide go  
17 forward, and then insert a magazine, a fully-loaded  
18 magazine into it.

19 Q. And is this T-shaped part here at the -- close  
20 to the stock of the gun, is that where you would pull  
21 back (indicating)?

22 A. Yes. That's the charging handle for the rifle.

23 Q. And the chamber is actually here on what would  
24 be the right side --

25 A. It would be the front.

1 Q. -- of the weapon (indicating)?

2 A. (Moves head up and down).

3 Q. Deputy, I'm showing you what's been marked as  
4 State's Exhibit 91, State's Exhibit 92, and State's  
5 Exhibit 93 and their respective packaging. Do you  
6 recognize those items (indicating)?

7 A. Yes, I do.

8 Q. And are those the cell phones that you  
9 collected from Deputy Day over at the church on 20 -- at  
10 2458 Garapan?

11 A. They are.

12 Q. Okay. And do they appear to be in the same  
13 condition as when you recovered them?

14 A. Yes, ma'am.

15 MS. DEVINE: Your Honor, after tendering to  
16 defense counsel, I'll offer State's Exhibits 91, 92, and  
17 93 into evidence.

18 **(State's Exhibit No. 91 through 93 Offered)**

19 MR. GRABER: No objection, Judge.

20 THE COURT: State's 91, 92, and 93 are  
21 admitted.

22 **(State's Exhibit No. 91 through 93**

23 **Admitted)**

24 Q. (By Ms. Devine) Did Deputy Day show you where  
25 the items had been recovered from?



1 A. Yes, ma'am, he did.

2 Q. And where were they recovered from?

3 A. From the -- the northwest corner of the church.

4 Q. Located at 2458 Garapan?

5 A. Garapan.

6 Q. Did you find some additional items near where  
7 those -- where Deputy Day showed you those items had  
8 come from?

9 A. I did, yes, ma'am.

10 Q. And what did you find?

11 A. I found an extra-large black sweatshirt type  
12 jacket, a black do-rag, and a left brown tennis shoe  
13 size 13.

14 Q. Showing you what's already been admitted as  
15 State's Exhibit No. 89. Do you recognize this item  
16 (indicating)?

17 A. Yes.

18 Q. And is this the sweatshirt, the hooded  
19 sweatshirt that you recovered from the grounds of the  
20 church (indicating)?

21 A. Yes, ma'am.

22 Q. And I'm showing you what's been marked as  
23 State's Exhibit No. 103. Do you recognize that item  
24 (indicating)?

25 A. Yes, ma'am.

1 Q. And where do you recognize it from?

2 A. From the west side of the church, northwest  
3 side.

4 Q. And is this, in fact, the item that you  
5 recovered?

6 A. Yes.

7 Q. Is it in the same condition as when you  
8 recovered it?

9 A. It appears so.

10 Q. Were those out from underneath the church, next  
11 to the church, or were they also under the church?

12 A. Those were on the ground approximately 6 feet  
13 from the church on the west side, northwest.

14 MS. DEVINE: Your Honor, tendering to  
15 defense counsel and offer State's 103 into evidence.

16 **(State's Exhibit No. 103 Offered)**

17 MR. GRABER: No objection.

18 THE COURT: State's 103 is admitted.

19 **(State's Exhibit No. 103 Admitted)**

20 Q. (By Ms. Devine) Deputy Campbell, what is this  
21 (indicating)?

22 A. That's a covering that goes on the head.  
23 That's what they call a do-rag.

24 Q. And you said you recovered a brown tennis shoe?

25 A. Yes, ma'am.

1 Q. Now, when you recover all of these items, the  
2 guns and -- well, with respect to the clothing, do you  
3 do anything with the clothing or does another agency  
4 attempt to analyze the clothing for further evidence?

5 A. I believe I submitted those to Harris County  
6 Institute of Forensic Sciences for DNA analysis.

7 Q. Now, with respect to the guns, the magazine,  
8 and all of the ammunition that you recovered loaded in  
9 the guns, do you process that evidence to attempt to  
10 obtain additional evidence?

11 A. Yes. I swabbed all the shotgun shells and the  
12 rounds and the weapons.

13 Q. Let's talk about that for a minute. Are  
14 there -- are there different things that you can do to  
15 evidence in order to try to find additional evidence on  
16 them?

17 A. Yes. Well, you can -- you can super glue and  
18 attempt to fingerprint them, also.

19 Q. Are there certain types of surfaces that are  
20 more conducive to lifting fingerprints?

21 A. Smooth surfaces are the best and surfaces that  
22 don't create heat are better.

23 Q. Because what happens to fingerprints when heat  
24 is applied?

25 A. They evaporate.

1 Q. With respect to these particular items, did you  
2 attempt to obtain fingerprints off of them?

3 A. I did not.

4 Q. Why not?

5 A. I knew that they had been previously fired and  
6 then the one was submerged in the water, so I felt the  
7 better way to go would be to obtain DNA.

8 Q. Now, in an attempt to obtain DNA off a piece of  
9 evidence, you said you swabbed these particular items?

10 A. Yes, ma'am.

11 Q. Tell the jury what that means.

12 A. We utilize sterile cotton-tip swabs with  
13 sterile water that's been filtered and just place a  
14 couple of drops on the Q-tip and then swab the areas  
15 for -- that we want to obtain DNA samples from --

16 Q. And --

17 A. -- if possible.

18 Q. Sorry.

19 With respect to State's -- the shotgun  
20 shells contained in State's Exhibit 192, did you swab  
21 each and every one of these shells (indicating)?

22 A. I did.

23 Q. What parts of the shells did you swab?

24 A. I usually focus on the back of the shotgun  
25 shells, but I do the entire shell.

1 Q. So like where the metal part is?

2 A. Correct.

3 Q. Because -- describe the surface of the plastic  
4 part.

5 A. The plastic part usually kind of ridges. Some  
6 of them are smooth, but when you insert a shotgun shell  
7 into the tube of the deal, you're really putting a lot  
8 of pressure on the back of the shell. So, that was  
9 where I focused a lot of my attention on DNA swabs.

10 Q. So, we've got six shells here (indicating)?

11 A. Yes, ma'am.

12 Q. And did you do that with every round, each of  
13 these 15 rounds of 223 ammunition?

14 A. I did.

15 Q. And what parts -- portion of the bullet did you  
16 swab?

17 A. I focused more on those on the body of the  
18 shell, not the rear, because when you're loading the  
19 magazine, you're pushing -- you're pushing your pressure  
20 on top of the shell, but, again, I swabbed the entire  
21 bullet or cartridge.

22 Q. Now, with respect to State's Exhibit No. 196,  
23 the magazine from the AR-15, where on that did you swab  
24 (indicating)?

25 A. The entire magazine.

1 Q. And with respect to State's 195, the AR-15  
2 itself, what part of the weapon did you swab?

3 A. The grips and the trigger.

4 Q. Okay. So, the grips, what part are you talking  
5 about?

6 A. The handgrip. I focused on this area  
7 (indicating).

8 Q. So, that would be the part you hold onto when  
9 you're pulling the trigger?

10 A. Correct. And the trigger area.

11 Q. The trigger itself --

12 A. Yes.

13 Q. -- and that surrounding enclosure?

14 A. Yes.

15 Q. Deputy Campbell, I'm showing you what's been  
16 marked as State's Exhibits No. 104 and 105. Do you  
17 recognize those items (indicating)?

18 A. I do.

19 Q. And what are those?

20 A. Those are the swabs, DNA swabs, from the grips  
21 and trigger of the rifle and from the 223 magazine.

22 Q. When you say "rifle," which item are you  
23 talking about?

24 A. The AR-15.

25 MS. DEVINE: Your Honor, after tendering to

1 defense counsel, I'd offer State's Exhibits 104 and 105  
2 into evidence.

3 **(State's Exhibit No. 104 and 105 Offered)**

4 MR. GRABER: No objection, Judge.

5 THE COURT: State's 104 and 105 are  
6 admitted.

7 **(State's Exhibit No. 104 and 105 Admitted)**

8 Q. (By Ms. Devine) Where do these go when you're  
9 done with them?

10 A. I seal them up and submit them to the Harris  
11 County Institute of Forensic Sciences for DNA analysis.

12 Q. And they conduct that down there?

13 A. Yes, ma'am, they do.

14 Q. Did you also swab the cell phones?

15 A. I did.

16 Q. And with respect to the evidence that you  
17 recovered at the church scene, was that the extent of  
18 what you did there?

19 A. Yes, ma'am.

20 Q. What's the next thing that you did?

21 A. Afterwards I left there and escorted the black  
22 truck that was being towed by Milstead Wrecker, secured  
23 it into the print stall.

24 Q. Once you got the truck to the print stall, did  
25 you have yet another scene to go to?

1           A.    I did.  Sergeant Gardner notified me of a  
2 vehicle that had been -- had gunshots on it that was  
3 connected to the case.

4           Q.    And where was that at?

5           A.    That was located at 2518 Copper Valley Court.

6           Q.    And what did you see when you got to -- who's  
7 the first person you met with at the Copper Valley Court  
8 address?

9           A.    Deputy Levy.

10          Q.    And did you get some information from him?

11          A.    Yes, ma'am.  He said that he had relieved  
12 Deputy Orlando --

13                   MR. GRABER:  Sorry, sir.  I'm going to  
14 object to hearsay.

15                   THE COURT:  Sustained.

16          Q.    (By Ms. Devine) Without going into anything he  
17 said, did you get some information that led you to the  
18 recovery of some evidence and taking some photographs?

19          A.    Yes.  He was securing the vehicle when I  
20 arrived.

21          Q.    What vehicle?  Describe the vehicle that was  
22 being secured.

23          A.    It was a 2000 silver Chevy four-door Malibu.

24          Q.    Is that what we see here in State's Exhibit  
25 No. 65 (indicating)?



1           A.    Yes, ma'am.

2           Q.    Okay.  Did you get a consent to search from the  
3 registered owner of that car?

4           A.    I did.

5           Q.    Is that pretty much standard procedure whenever  
6 you want to either get something from it or take  
7 photographs?

8           A.    It is.

9           Q.    Any problems with that?

10          A.    No.

11          Q.    What did you observe, if anything, significant  
12 about this car?

13          A.    Well, it had several impact areas that were  
14 consistent with gunshots, bullet holes.

15          Q.    And that's what we see in State's 66, correct  
16 (indicating)?

17          A.    Yes, ma'am.

18          Q.    Did you actually get into the car to try to  
19 locate any projectile spent rounds that made those holes  
20 in that car?

21          A.    Yes, ma'am, I did.

22          Q.    Okay.  Did you find something?

23          A.    I did.

24                    MS. DEVINE:  Your Honor, may I approach the  
25 witness?

1 THE COURT: Yes.

2 Q. (By Ms. Devine) Deputy, I'm showing you what's  
3 been marked as State's Exhibit 106. Do you recognize  
4 that item (indicating)?

5 A. Yes.

6 Q. Do you recognize the handwriting -- most of the  
7 handwriting that's contained on the packaging?

8 A. Yes, ma'am.

9 Q. Is that yours?

10 A. Yes, ma'am.

11 Q. Okay. Is that, in fact, a projectile you  
12 recovered from that silver Malibu?

13 A. Yes, ma'am.

14 MS. DEVINE: Your Honor, after tendering to  
15 defense counsel, I'll offer State's Exhibit No. 106 into  
16 evidence.

17 **(State's Exhibit No. 106 Offered)**

18 MR. GRABER: No objection, Judge.

19 THE COURT: State's 106 is admitted.

20 **(State's Exhibit No. 106 Admitted)**

21 Q. (By Ms. Devine) What did you do with State's  
22 106?

23 A. I submitted it to the Harris County Regional  
24 Firearms Laboratory for their analysis.

25 Q. And they do that there; you don't have anything

1 to do with that, right?

2 A. Yes, ma'am, that's correct.

3 Q. After you finished at the Copper Valley Court  
4 address, what did you do?

5 A. Returned back to the office, I think, and  
6 secured the evidence.

7 Q. And that's just packaging it up and labeling  
8 it --

9 A. Yes, ma'am.

10 Q. -- for later purposes?

11 A. Yes, ma'am.

12 MS. DEVINE: Your Honor, I'll pass the  
13 witness.

14 THE COURT: Mr. Graber.

15 MR. GRABER: Thank you, Judge.

16 **CROSS-EXAMINATION**

17 **BY MR. GRABER:**

18 Q. Regarding the projectiles, State's Exhibit  
19 No. 106, you don't know from what type of weapon that  
20 projectile came from, do you?

21 A. No, sir.

22 Q. And is that the reason why you submitted it for  
23 further analysis?

24 A. Yes, sir.

25 Q. In fact, as you're out there that day, you

1 don't even know for sure if that projectile is tied to  
2 the markings that are on that Malibu, do you?

3 A. I don't understand your question.

4 Q. Where specifically did you find the fragment,  
5 the projectile fragment, in relationship to that car?

6 A. It was in between the door, the exterior  
7 portion, and the door panel. I removed the door  
8 panel --

9 Q. So, it was on the car?

10 A. It was inside.

11 Q. Okay. I didn't hear you say that. Thank you.

12 You spoke a little bit about -- about the  
13 gunshot residue analysis and the SEM, correct?

14 A. Correct.

15 Q. And when you speak of "SEM," that's just an  
16 acronym for scanning electron microscope, correct?

17 A. Correct.

18 Q. And that is the device that is used by the  
19 analyst, the microscope that is used by the analyst to  
20 determine if there is any gunshot residue on an item  
21 that he or she is examining; is that correct?

22 A. Yes, sir. If you're referring to the dobbers,  
23 yes, sir.

24 Q. Yes, sir.

25 A. Yes.

1 Q. And in -- in that analysis -- let me back up a  
2 little bit.

3 The reason why there has to be a scientific  
4 analysis using this powerful microscope by an analyst is  
5 because you, as a Crime Scene Unit officer, or any other  
6 officer, any of us, you can't look at an item, whether  
7 or not it's somebody's hands or clothing, anything else,  
8 and determine whether or not there's gunshot residue on  
9 that item. Would you agree with that?

10 A. Yes, sir.

11 Q. And that's why -- I think it was back in the  
12 early '70's -- why a scientist developed this procedure  
13 regarding the SEM, correct?

14 A. Correct.

15 Q. Is that correct?

16 Meaning that that procedure, that  
17 analytical procedure, has been around for decades. It's  
18 not something new.

19 A. Correct.

20 Q. Would you agree with that?

21 A. Correct. In various other forms maybe, but the  
22 modern day one is SEM.

23 Q. Correct. There are other tests that have been  
24 developed to determine gunshot residue. And this SEM  
25 test, though, in specific has been around since the

1 early 1970's; is that correct?

2 A. I -- you have me there. I'm not sure when it  
3 was evolved.

4 Q. Well, I had to look it up on the Internet. I  
5 didn't know either. But since you've been a police  
6 officer, you've been familiar with that?

7 A. I have, yes, sir.

8 Q. And you've been a police officer for how many  
9 years?

10 A. Thirty, thirty-two.

11 Q. Okay. As a CSU officer and as a peace officer  
12 in general, you have received training when you became a  
13 peace officer and through the years all the training  
14 that you already articulated to the jury about gunshot  
15 residue, correct?

16 A. On the collection, yes.

17 Q. And that's something as a CSU officer that you  
18 would have received more training about than maybe just  
19 another officer not involved in crime scene  
20 investigations?

21 A. True.

22 Q. And you're familiar that at the muzzle, the end  
23 of the barrel of a gun, when that gun is fired and a  
24 projectile shot out of the gun, that there's an  
25 explosive device that causes that projectile to be fired

1 forward, correct?

2 A. Yes.

3 Q. And it's that explosive material that comes out  
4 of the barrel of the gun, particles from that explosive  
5 material is what an analyst is looking for to determine  
6 whether or not there are any gunshot residue, those  
7 particles, on whatever they're testing, correct?

8 A. Yes.

9 Q. And you're familiar that when a gun is fired  
10 and that explosiveness comes out of the end of the gun,  
11 those particles, come out of the end of the gun, those  
12 particles come out in a cone shape like this, correct  
13 (indicating)?

14 A. Correct.

15 Q. Meaning, the further they get from the end of  
16 the gun, the wider that pattern is that there could be  
17 some of those gunshot particles?

18 A. Yes, sir.

19 Q. It becomes less dense the further from the gun,  
20 but a wider radius and circumference, correct?

21 A. Correct.

22 Q. Just because an item has gunshot residue on it,  
23 some particles on it, does not necessarily mean that the  
24 person who has that item on them, whether or not it's a  
25 shirt, their hands, or some other item that is tested,

1 doesn't necessarily mean that that person fired that  
2 gun, does it?

3 A. No, sir.

4 Q. It depends, right?

5 A. Correct.

6 Q. It could mean that person fired the gun, right?

7 A. Correct.

8 Q. Or it could mean that that person is near the  
9 end of the barrel where those particles were projected  
10 out of the end of the gun, correct?

11 A. Correct.

12 Q. And you're familiar in your training that those  
13 particles can travel and be deposited on an item 5 or 6  
14 feet, or maybe even more depending on the conditions at  
15 the time, from the end of the barrel of the gun,  
16 correct?

17 A. I'm not sure about what feet it could be. You  
18 know, I'm not sure on that.

19 Q. Okay. Do you recall in your training being  
20 taught that it is very likely that those particles can  
21 be deposited 3 to 5 feet from the end of the barrel of  
22 the gun? Do you recall that? And if you don't --

23 A. I don't recall, no. No, sir, I don't.

24 Q. If that is the research, would you object to  
25 that?



1 A. If that's the research, no, sir.

2 Q. The concentration of the particles in the  
3 gunshot residue, would you agree with me that you're  
4 more likely to get more particles on an item the closer  
5 that item is to the end of the barrel of the gun?

6 A. I can go along with that, yes, sir.

7 Q. And is that for the example -- the hypothetical  
8 that I used about the cone, because the further from the  
9 gun the less dense the particles in that circumference  
10 of the cone; would you agree with that?

11 A. Correct.

12 Q. And regarding Mr. Lee, you didn't check any  
13 other items besides his hands for gunshot residue, did  
14 you?

15 A. I don't believe so, no, sir.

16 Q. And you're not here as any analyst to say  
17 whether or not there was or there weren't any gunshot  
18 particles on his hands --

19 A. Correct.

20 Q. -- is that correct?

21 A. That's correct.

22 Q. And you're not here to say that even if there  
23 might be, that any potential particles are tied to any  
24 weapon, you're not here to say any of that, are you?

25 A. No, sir.

1 MR. GRABER: May I approach the officer,  
2 Judge?

3 THE COURT: Okay.

4 Q. (By Mr. Graber) You've testified a little bit  
5 about State's Exhibit No. 195, the recovered rifle,  
6 correct (indicating)?

7 A. Yes.

8 Q. Would you agree with me that this is a  
9 rather -- it's pretty heavy, right?

10 A. It is.

11 Q. And would you agree with me that as an officer  
12 who's a trained master peace officer, crime scene  
13 investigator, that you're familiar that this type of  
14 weapon is meant to be shot using two hands, correct?

15 MS. DEVINE: Objection. Calls for  
16 speculation.

17 Q. (By Mr. Graber) If you know.

18 THE COURT: Overruled.

19 Q. (By Mr. Graber) Would you agree with that?

20 A. Yes.

21 Q. This handgun, smaller handguns, pistols, you  
22 shoot those with one hand, hold it and pull the trigger  
23 with one hand, correct?

24 A. Yes.

25 Q. And heavy shotguns and heavy rifles like

1 State's Exhibit No. 195 are meant to be shot using, if  
2 you're right-handed at least like I am, your right hand  
3 on the trigger and your left hand -- what do you call  
4 this part of this weapon (indicating)?

5 A. The fore stock or fore grip.

6 Q. The fore grip using your other hand to hold it  
7 to aim it, correct?

8 A. Correct.

9 Q. And when you hold this gun with one hand --  
10 it's harder to hold it with one hand and aim it; would  
11 you agree with that?

12 A. It's harder, yes, but it can be done.

13 Q. Okay. It's not impossible, but you wouldn't  
14 expect somebody to use this weapon with just one hand;  
15 would you agree with that?

16 A. Right.

17 Q. And would you agree with me that at least for a  
18 right-handed person that the left hand is about halfway  
19 between the trigger finger and the end of the barrel of  
20 the gun; would you agree with that?

21 A. Yes, sir.

22 Q. So, if there were gunshot particles, this gun  
23 was shot, would you expect the person who shot this gun,  
24 would you expect to more likely have gunshot residue on  
25 their left hand or their right hand?

1 MS. DEVINE: Objection. Calls for  
2 speculation.

3 THE COURT: Sustained.

4 Q. (By Mr. Graber) We spoke about where the  
5 gunshot particles are expelled from the end of the gun,  
6 correct?

7 A. Correct.

8 Q. And will you agree with me that at least for a  
9 right-handed person that the left hand is much closer  
10 than the right-handed trigger finger on this gun as I've  
11 demonstrated to the jury (indicating)?

12 A. In that position, yes, sir.

13 Q. Okay. You spoke about not performing any  
14 fingerprint swabbing on these items, correct?

15 A. You mean processing for fingerprints?

16 Q. That's a better way to say it. Yes, sir.

17 A. Yes, sir.

18 Q. And the reason you made a judgment call that  
19 you thought, as you've already articulated to the jury,  
20 that it would be better to do DNA analysis for the  
21 reasons you've already explained rather than  
22 fingerprint --

23 A. Yes.

24 Q. -- testing, correct?

25 A. Correct.

1 Q. And you indicated, at least on State's Exhibit  
2 No. 195, that there were -- there was a trigger and a  
3 grip swab, correct?

4 A. Correct.

5 Q. And are those -- those are two separate swabs,  
6 or was it from a single swab?

7 A. I believe it was from a single swab. If you're  
8 talking about Item SWR 7, which I don't know which State  
9 Exhibit that correlates with.

10 Q. Regarding State's -- what's in evidence as  
11 State's Exhibit No. 104 and 105 --

12 MR. GRABER: May I approach again, Your  
13 Honor?

14 THE COURT: Yes.

15 A. Yes.

16 Q. (By Mr. Graber) Ms. Devine showed you these two  
17 swabs, State's 104 and 105. Would that help you refresh  
18 your recollection (indicating)?

19 A. Yes. One swab. The grips and trigger.

20 Q. Okay. State's Exhibit No. 104 is the swab that  
21 you took from the grip and the trigger, correct  
22 (indicating)?

23 A. Correct.

24 Q. And State's Exhibit 105 is the swab that you  
25 took from the magazine of that rifle, correct

1 (indicating)?

2 A. Correct.

3 Q. And when you spoke about -- obviously, we  
4 understand the trigger. When you spoke -- and I just  
5 couldn't see you from where I was seated. You-all spoke  
6 a little bit about it. But when you speak of the grip  
7 swab -- okay -- the grip/trigger swab, you indicated  
8 that you took that single swab, went around the trigger  
9 area. And where on this State's 195 was the grip --

10 A. The handle.

11 Q. This part right here (indicating)?

12 A. Yes.

13 Q. Okay. So, generally, in the same area of the  
14 trigger, just down on the grip, meaning the same hand  
15 that would be placed upon a trigger -- excuse me -- the  
16 finger, the same hand would be on that grip?

17 A. Correct.

18 Q. I don't know if I said that very well, but I  
19 think you understood my point.

20 A. I do.

21 Q. Okay. Did you do any swabbing on -- tell me  
22 again what you call this (indicating)?

23 A. Fore grip.

24 Q. -- on the fore grip of this weapon?

25 A. No, sir.

1 Q. Just on the trigger and the grip below the  
2 trigger?

3 A. I did.

4 Q. And so based -- that's okay.

5 MR. GRABER: Pass the witness, Judge.

6 THE COURT: Ms. Devine.

7 MS. DEVINE: Thank you, Judge.

8 **REDIRECT EXAMINATION**

9 **BY MS. DEVINE:**

10 Q. Deputy Campbell, is it possible for that AR-15  
11 to be fired with one hand?

12 A. Yes.

13 Q. Would it be easier for a larger person to fire  
14 that gun with one hand?

15 A. A stronger person, yes, larger.

16 Q. With respect to the processing of the evidence,  
17 if you do one type of processing, be it for prints or  
18 for DNA, does that usually preclude you from being able  
19 to do the other type because of the nature of the  
20 processing that you have to do?

21 A. In some instances, yes.

22 Q. In this particular instance, if you had  
23 processed for prints first -- and there are several ways  
24 to do that, correct?

25 A. Correct.

1 Q. If you use the super glue as you mentioned,  
2 would that have impacted your ability to collect DNA?

3 A. They say no.

4 Q. Okay. But based on the condition of the  
5 evidence, it was your opinion that the DNA was the  
6 better route to go?

7 A. It is in my -- based on my experience from  
8 processing weapons that have been submitted over the  
9 years.

10 Q. And have you collected DNA samples from  
11 evidence, firearms, ammunition, on few or many  
12 occasions?

13 A. Yes, on many.

14 Q. Okay. And is it common -- more common or  
15 uncommon that DNA is found on ammunition, individual  
16 units of ammunition?

17 A. As long as it's not spent rounds, it's -- your  
18 chances of getting DNA are better.

19 Q. Okay. But it's not always there?

20 A. No, ma'am.

21 Q. And why is that?

22 A. Just the person may not have been leaving any  
23 skin cells at that time.

24 Q. And there's a lot of physical -- physical  
25 reasons why DNA might not be left or fingerprints might



1 not be left on an item?

2 A. Yes.

3 MS. DEVINE: Your Honor, I'll pass the  
4 witness.

5 THE COURT: Mr. Graber.

6 MR. GRABER: No further questions.

7 THE COURT: You may step down, sir.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Okay. Ladies and gentlemen,  
10 we'll go ahead and take our lunch break. Please retire  
11 to the jury room.

12 (Lunch recess)

13 (Open court, defendant and jury present)

14 THE COURT: Please be seated.

15 All right. State, call your next witness  
16 for the purposes of the record.

17 MS. BAILY: State calls Deputy Sams.

18 THE COURT: All right. Go ahead.

19 **MICHAEL SAMS,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. BAILY:**

23 Q. Deputy, can you begin by stating your full name  
24 for the record?

25 A. Michael Sams.