

1 MS. DAVIDSON: Thank you, Judge.

2 MAURICE CARPENTER,

3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. DAVIDSON:

6 Q Can you introduce yourself to the ladies and
7 gentlemen of the jury?

8 A My name is Deputy Maurice Carpenter. I'm a
9 crime scene investigator with the Harris County
10 sheriff's office.

11 Q How long have you been a crime scene
12 investigator with the Harris County sheriff's office?

13 A For six years.

14 Q As a crime scene investigator, can you tell
15 the jury what you do on a daily basis?

16 A Yes. I respond to scenes of crimes.
17 Usually violent crimes, aggravated crimes. Anything
18 from aggravated robberies to homicides. I'm tasked
19 with collection of evidence, documenting the scene by
20 photographing it, by notes, videotape.

21 I'm also trained in collection of DNA,
22 in collection of fingerprints, fingerprints analysis,
23 comparison, and maintaining chain of custody with
24 items we've collected, and processing that items when
25 we return to the lab.

1 Q And do you work with Deputy Michael Sams,
2 who just left the courtroom?

3 A Yes, I do.

4 Q Were you called up to a scene at 6607
5 Springfield Garden Lane, in Houston Harris County,
6 Texas, back on May 16th of 2008?

7 A Yes, I was.

8 Q What was your purpose of going out to that
9 location?

10 A To assist with Deputy Sams in processing the
11 scene.

12 Q And did you help him process the scene?

13 A Yes.

14 Q At some point did you meet a man that you've
15 come to know by the name of Theron Owens?

16 A Yes.

17 Q And where were you at that location when you
18 met him?

19 A I believe I initially encountered him
20 outside the residence.

21 Q And do you see that man in the courtroom
22 today?

23 A Yes, I do.

24 Q Can you identify him by where he's sitting
25 and something he's wearing?

1 A He's sitting at the opposite table, wearing
2 a blue shirt and glasses.

3 MS. DAVIDSON: Your Honor, may the
4 record reflect he has identified the defendant.

5 THE COURT: It will so reflect.

6 Q (BY MS. DAVIDSON) As one of the crime scene
7 unit investigators, did you -- were you the one who
8 was responsible for collecting the defendant's
9 clothing that night at the scene?

10 A Yes, I was.

11 Q And what was your purpose of collecting his
12 clothing?

13 A We collect clothing to obtain any trace
14 evidence that might be on the clothing itself. To
15 take it back to the laboratory in a controlled
16 environment, to analyze it ourselves and/or submit it
17 to lab for further testing.

18 MS. DAVIDSON: I need to get a couple
19 of pieces of evidence, Judge.

20 THE COURT: All right.

21 Q (BY MS. DAVIDSON) I'm going to show you
22 what's in evidence as State Exhibit No. 124. Is that
23 the way the defendant looked on the night you
24 recovered his clothing?

25 A Yes, it was.

1 Q State's Exhibit No. 125.

2 A Yes.

3 Q And State's Exhibit No. 126.

4 A Yes.

5 Q You recovered from him a -- this T-shirt,
6 the blue jeans and the shoes and socks; is that
7 correct?

8 A Yes.

9 Q When you were recovering his clothing, did
10 you find any other clothing underneath these
11 clothing?

12 A Yes, I did.

13 Q Tell the jury what you found underneath this
14 clothing.

15 A He had an undershirt on and also a pair of
16 sweatpants under the jeans.

17 Q I'm going to show you what's in evidence as
18 State's Exhibit No. 131. Would you take a look at
19 those and tell me if those are the sweatpants that he
20 was wearing underneath the jeans?

21 A (Witness complies.) Yes, they appear to be
22 the same pair of sweatpants.

23 Q And State's Exhibit No. 128. He had this
24 T-shirt on underneath the top T-shirt?

25 A Yes.

1 Q And you collected these from him where at
2 the house?

3 A It was in the garage of the house.

4 Q Tell the jury how you go about doing that,
5 if you're processing the scene and then you want to
6 take him somewhere to collect his clothing?

7 A It depends on the -- the type of scene,
8 and -- and if we have a place to go to that's
9 secreted for the person's privacy. We'll take them
10 to the garage, if that's actually not a part of the
11 scene itself. We'll close the garage door.

12 We'll give -- lay down a clean piece of
13 brown paper underneath where he can stand on. We
14 have him remove clothing and lay it on top of the
15 brown paper. The paper is there to collect anything
16 that might fall off the clothing. Any trace evidence
17 that might fall off.

18 And we package the clothing up in bags
19 and also collect the paper -- fold it up and collect
20 that for any trace evidence that's on there.

21 Q And did you do that in this instance?

22 A Yes.

23 Q After you collected his clothing, did y'all
24 give him anything to wear?

25 A Yes, we did.

1 Q What did you give him?

2 A I believe at that time we had what was
3 available to us like an orange jumpsuit.

4 Q Okay. And eventually, was he given civilian
5 clothes to wear?

6 A I believe so.

7 MS. DAVIDSON: I'll pass the witness,
8 Judge.

9 MS. LYTLE: May I proceed, Your Honor?

10 THE COURT: You may.

11 MS. LYTLE: Thank you.

12 **CROSS-EXAMINATION**

13 BY MS. LYTLE:

14 Q Good afternoon, Deputy Carpenter. My name
15 is Heather Lytle and I'm the attorney who's
16 representing Mr. Owens. I just have a couple of
17 questions for you.

18 Now, you said that he was provided with
19 civilian clothes. Where did you obtain those
20 clothes?

21 A I'm trying to recall in this instance
22 whether -- we normally have the jumpsuits available
23 in our -- in our units with us. There are times
24 when, if we can obtain clothing from the house that's
25 their clothing, we do that on occasion. I'm trying

1 to recall if -- if we did for sure dress him in a
2 jumpsuit and obtained street clothes later or -- I'm
3 not...

4 Q Okay. Do you -- did you go into the house
5 and get clothes from his closet and bring them back
6 to him?

7 A I can't recall in this instance whether that
8 was -- if I did that or not. I know we generally do
9 one or the other, depending on the circumstances at
10 the scene.

11 Q Okay. And were there any other officers
12 present with you when you collected Mr. Owens'
13 clothes in the garage?

14 A I know there were a homicide detective
15 present. I'm not sure which detective. Well, there
16 were several detectives on the scene and I can't
17 recall which detective was in -- in the garage with
18 me.

19 Q Okay. And you're part of the crime scene
20 unit; is that right?

21 A Yes.

22 Q And so you collect evidence that has to be
23 labeled appropriately, so that you make sure it
24 passes through the proper chains of custody, things
25 like that, correct?

1 A Yes.

2 Q And that was done in this case; is that
3 right?

4 A I turned all the evidence -- when we're
5 working a scene, we're assisting other lead crime
6 scene investigator. Like Deputy Sams is a lead crime
7 scene investigator. We work under his direct
8 supervision, his direction. And anything that we
9 assist him in collecting, we turn it over to him at
10 the scene for him to transport back to the office and
11 under his custody.

12 Q Okay. When you -- when you wrapped up
13 Mr. Owens' clothes in -- in the paper, did you seal
14 that paper?

15 A Not at that time. I turned it over to
16 Deputy Sams.

17 Q Okay. Mr. -- I'm sorry, Deputy Carpenter,
18 you made reports in this investigation; is that
19 correct?

20 A I made one supplement, yes.

21 Q You made only one supplement; is that
22 correct?

23 A I believe it's only one.

24 Q Do you have that with you today?

25 A Yes.

1 Q You didn't mention anywhere in the
2 supplement anything about collecting the defendant's
3 clothes, did you?

4 A No.

5 Q And you keep reports, so that you can keep a
6 very accurate record of all evidence obtained and all
7 actions taken by yourself and the police, correct?

8 A Yes. The scene reports are --

9 Q That's fine. Thanks. Thank you. I just
10 needed the -- I just needed "yes" or "no." Thank
11 you.

12 MS. LYTLE: No further questions, Your
13 Honor.

14 THE COURT: All right.

15 **REDIRECT EXAMINATION**

16 BY MS. DAVIDSON:

17 Q Is there any doubt in your mind you
18 collected clothes from this man on that night?

19 A No, there's not.

20 MS. DAVIDSON: I'll pass the witness,
21 Judge.

22 THE COURT: All right. May Deputy
23 Carpenter be excused?

24 MS. DAVIDSON: Yes, sir.

25 MS. LYTLE: Yes, Your Honor.

1 THE COURT: All right. Thank you, sir.
2 You're free to go.

3 THE WITNESS: Thank you.

4 MS. DAVIDSON: May we approach the
5 Bench?

6 THE COURT: Yes. Come on up.

7 (Bench Conference.)

8 MS. DAVIDSON: My next witness is
9 Dr. Haden-Pinneari. I have yet to be able to meet
10 with her because of other obligations. She's
11 supposed to be here now. I would like a few minutes
12 to see if she can help me make a cull down of some of
13 these autopsy photos. Because I didn't get to
14 physically talk to her, I've picked out the photos.
15 But I only want one photo of each wound, rather than
16 just a thousand of them.

17 THE COURT: What was that last
18 statement?

19 MS. DAVIDSON: I culled out the photos
20 myself. But I usually do it with the ME, because
21 I -- I want to make sure I only have one photograph
22 of each wound. So, if I could have a couple of
23 minutes to talk with her and then I would -- she
24 would be the last witness I put on today.

25 THE COURT: Sure.

1 MS. DAVIDSON: Okay.

2 (Bench Conference Concluded.)

3 THE COURT: We were going to take a
4 break in 30 minutes, but we're going to take a break
5 now. So, during this break again remember the
6 instructions. Don't discuss the case at all. Don't
7 make any kind of investigations. Just have a good
8 break. Talk to you in a little bit. It could take
9 15 minutes. It could take longer.

10 THE BAILIFF: All rise.

11 (Jury exits courtroom.)

12 (Recess taken.)

13 THE COURT: All right. Both sides
14 ready?

15 MS. DAVIDSON: State's ready.

16 MR. MORROW: Are we ready?

17 MS. SWALLERS: We're ready, Judge.

18 THE COURT: All right. Thank you.
19 Bring them in, please.

20 (Jury Panel enters courtroom.)

21 (Open court; defendant and jury panel
22 present.)

23 THE BAILIFF: All rise.

24 THE COURT: Be seated, please.

25 What says the State?

1 MS. DAVIDSON: State calls
2 Dr. Katherine Haden-Pinneari.

3 THE BAILIFF: This witness has not been
4 sworn, Judge.

5 THE COURT: All right. Thank you.

6 Good afternoon, Dr. Haden-Pinneari.
7 Please raise your right hand.

8 (Witness sworn.)

9 THE WITNESS: Yes, I do.

10 THE COURT: All right. Feel free to
11 adjust the chair and the microphone. And just answer
12 as directly as you can.

13 And you may proceed.

14 MS. DAVIDSON: Thank you, Judge.

15 **DR. KATHERINE HADEN-PINNEARI,**
16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 BY MS. DAVIDSON:

19 Q Can you introduce yourself to the ladies and
20 gentlemen of the jury?

21 A Yes, I'm Dr. Katherine Haden-Pinneari.

22 Q How are you employed?

23 A I'm an assistant medical examiner with the
24 Harris County Institute of Forensic Sciences.

25 Q As an assistant medical examiner, could you