

1 Q. How long were you living with your aunt before
2 you moved to the shelter?

3 A. A couple of months.

4 Q. Okay. So, you had ended your relationship with
5 Mr. Penright at that point in time; is that correct,
6 ma'am?

7 A. Yes.

8 Q. Okay. Up until the point in time when the two
9 of you ended your relationship, whenever that was,
10 Mr. Penright was providing financial support to you and
11 four children; isn't that correct?

12 A. He was assisting me. I worked also.

13 Q. Listen to my question, ma'am. Up until that
14 point in time when the two of you broke up, whenever
15 that was, you were living together and he was providing
16 assistance to you, financial assistance to you and the
17 four children; isn't that correct?

18 A. Yes.

19 MR. McCLEES: Objection. Asked and
20 answered.

21 THE COURT: Sustained.

22 Q. (By Mr. Greenlee) So, he was responsible,
23 wasn't he, at that point in time?

24 A. Yes.

25 Q. You testified on cross-examination the scissors

1 were used to cut the clothing, the power cords, and so
2 forth; isn't that correct?

3 A. Yes.

4 Q. And that was it; isn't that -- and your hair;
5 isn't that correct?

6 A. Yes.

7 Q. Okay. You never saw the scissors after that;
8 is that right?

9 A. Yes.

10 MR. GREENLEE: No further questions.

11 MR. McCLEES: No further questions, Your
12 Honor.

13 THE COURT: All right. You may step down.
14 Do not talk about this case with anybody, mention it.
15 You are not through.

16 Y'all need to visit the indoor plumbing,
17 don't you? I need to take some pleas. I need to do
18 other court business. So, I would ask you to step back
19 in the jury room. Remember, don't discuss the case with
20 anybody. You're to decide this case only from what you
21 hear on the witness stand.

22 (Recess)

23 (Open court, defendant and jury present)

24 THE COURT: Call your next witness.

25 MR. McCLEES: State calls Officer Casas to

1 the stand. This witness has not yet been sworn.

2 (Witness sworn)

3 MR. McCLEES: May I proceed, Your Honor?

4 THE COURT: You may.

5 **ALLEN CASAS,**

6 having been first duly sworn, testified as follows:

7 **DIRECT EXAMINATION**

8 **BY MR. McCLEES:**

9 Q. I'd like to ask you first to introduce yourself
10 to the jury and then spell your name for our court
11 reporter, please.

12 A. My name is Officer Allen Casas. It's spelled.
13 A-l-l-e-n. C-a-s-a-s.

14 Q. All right. And who do you work for?

15 A. Houston Police Department.

16 Q. How long have you been with the Houston Police
17 Department?

18 A. Going on about 18-and-a-half years now.

19 Q. Before you were with the Houston Police
20 Department, what did you do?

21 A. I was in a -- served in the military.

22 Q. What branch?

23 A. Marine Corps.

24 Q. What did you in the Marine Corps?

25 A. I was an infantryman.

1 Q. Okay. You are with HPD. What is your
2 assignment within HPD?

3 A. I work patrol.

4 Q. Give the jury just a basic idea, kind of a
5 thumbnail sketch of the training and -- that you had to
6 have to become an officer and the general experience
7 that you have as a patrolman in HPD.

8 A. Well, went to the academy. Obviously, learned
9 how to use a firearm, was trained in investigating crime
10 scenes.

11 Q. Okay. Now, a patrolman. Tell the jury, what
12 is that?

13 A. A patrolman is an individual that basically
14 rides around in a patrol vehicle, overhead lights. We
15 respond to calls for service, 911 calls.

16 Q. Would it be accurate for me to say most of the
17 police cars that we see -- HPD anyway -- that we see
18 riding around, those are patrolmen?

19 A. Correct, sir.

20 Q. Now, patrolmen, is there any specific type of
21 crime they look for or are they kind of the general
22 police officers available for whatever emergency may or
23 may not occur?

24 A. Just general. I mean, anything, traffic
25 accidents.

1 Q. Speeding tickets?

2 A. Speeding tickets.

3 Q. Give the jury just an idea of the type of cases
4 you've had to respond to?

5 A. Gosh. Criminal mischiefs, damage to property
6 and stuff.

7 Q. On that one spectrum, does it go up to like
8 murders?

9 A. Yes.

10 Q. Okay. Sexual assaults?

11 A. Yes.

12 Q. Robberies?

13 A. Yes.

14 Q. Okay. The whole gamut?

15 A. Yes.

16 Q. Is there a particular area that you patrol?

17 A. Southeast. Fourteen --

18 Q. And -- I'm sorry.

19 A. Fourteen district.

20 Q. Okay. That's in the southeast part of Houston?

21 A. Yes.

22 Q. Back in January of 2010, what area were you
23 patrolling?

24 A. Fourteen district, southeast.

25 Q. Same district?

1 A. Yes.

2 Q. Now, when you arrive at a -- you get a call and
3 you arrive at a scene, what kind of information do you
4 have when you get to the scene?

5 A. Well, we have whatever information was given on
6 the 911 call. And, of course, the dispatch gives that
7 information to us.

8 Q. You are given that information from dispatch,
9 right?

10 A. Yes.

11 Q. You don't hear the actual 911 call?

12 A. No.

13 Q. Okay. So, you arrive at the scene. What is
14 the top priority when you get to a scene?

15 A. Safety. Safety for individuals that we're
16 responding to and then safety as far as our support.

17 Q. As far as --

18 A. Safety for the individual that we're responding
19 to help and then my safety.

20 Q. Officer safety, community safety?

21 A. Yes.

22 Q. Okay. After making sure a scene is safe and
23 secure, what's your next response?

24 A. Start getting information as to what happened
25 at the scene in the course of trying to find evidence.

1 Q. Okay. I guess, are there some crimes where
2 that's kind of the end of it after you've looked at it
3 and others that you refer on to investigators for
4 further work to be done?

5 A. Yes. Pretty much any crime scene that we make
6 there is a special division that once we collect
7 evidence and do our report and everything it's passed on
8 to them.

9 Q. Let's talk about evidence collection. HPD has
10 within it a Crime Scene Unit, correct?

11 A. Yes.

12 Q. Okay. Now, Crime Scene Unit, they're kind of
13 the CSI specialists that go out and collect evidence at
14 certain scenes, right?

15 A. Yes.

16 Q. Does HPD have the resources to send Crime Scene
17 Units out to every single case?

18 A. No.

19 Q. Okay. In some cases, does that responsibility
20 fall upon you?

21 A. Yes, sir.

22 Q. Okay. Well, let's jump to June --
23 January 13th, 2010. Were you on duty?

24 A. Yes, sir.

25 Q. Did you get a call from your dispatcher to come

1 to some kind of emergency?

2 A. Yes, sir.

3 Q. What time did you get the call roughly?

4 A. Roughly about 10:45, 10:50, around that time.

5 Q. Just so the jury knows, I see you looking at
6 something. Is that your offense report?

7 A. This is my offense report.

8 Q. Okay. And an offense report, that is a report
9 that contains a summation from you as to what occurred,
10 who you talked to, etcetera?

11 A. Correct.

12 Q. Offense reports are not allowed into evidence,
13 but you can use them sometimes to refresh your memory?

14 A. Yes, sir. Actually, I'm looking at it right
15 here. I got the call at 11:20.

16 Q. 11:20 a.m.?

17 A. Yes, sir.

18 Q. Okay. So, you get the call. Where is the call
19 to?

20 A. I was called out to 3322 Yellowstone, Apartment
21 204.

22 Q. So, you get called out to that apartment
23 complex. Is that in Harris County, Texas?

24 A. Yes, sir.

25 Q. Okay. When you arrive, what do you see?

1 A. Well, the female, she was in front of the
2 apartment crying.

3 Q. Okay. Describe her demeanor. You say she was
4 crying. What did she look like?

5 A. Well, I mean, she was crying. She looked like
6 she was frightened.

7 Q. What was she wearing?

8 A. She was wearing a -- I believe a pink dress.

9 Q. Did you notice anything unusual about it --

10 A. Yes. She had the straps, they were cut. They
11 appeared to be cut and were kind of hanging down.

12 Q. Let me ask you this so that our court reporter
13 doesn't start screaming at both of us. We need to be
14 better about letting me finish my question and I'll let
15 you finish your answer. Otherwise, she'll start yelling
16 at us.

17 A. Yes, sir.

18 Q. One at a time.

19 A. Okay.

20 Q. All right. So, you get there, you see that her
21 dress is cut, and she's -- does she seem visibly upset?

22 A. Yes, sir.

23 Q. Do you talk to her?

24 A. Yes, sir.

25 Q. Now, because the rules of hearsay we can't get

1 into exactly what she said, but did you get an idea as
2 to the nature of the emergency that had occurred?

3 A. Yes, sir.

4 Q. What was that?

5 MR. GREENLEE: Objection, Your Honor. That
6 is hearsay. It's another way of asking a hearsay
7 question.

8 MR. McCLEES: Judge, the way it's phrased,
9 it's the nature of the offense. Not what occurred, just
10 the nature.

11 THE COURT: Overruled. You may answer the
12 question.

13 Q. (By Mr. McClees) What was the nature of the
14 offense that you got information about? Officer, for
15 example, was it a robbery --

16 MR. GREENLEE: Objection. This is leading,
17 Your Honor.

18 THE COURT: Overruled, he may answer the
19 question.

20 A. Some type of assault, sir.

21 Q. (By Mr. McClees) Okay. Some type of assault at
22 that point. That's based on information you got from
23 dispatch, from her, from both?

24 A. Yes.

25 Q. Okay. So, you get the initial information. Do

1 you make a determination as to whether or not someone
2 may be inside the house?

3 A. Yes. I asked her --

4 Q. Why do you make that determination?

5 A. Well, I mean, based on the content of the call
6 and then getting there and seeing the condition that
7 she's in.

8 Q. Okay. And would that be just to secure the
9 scene?

10 A. Yes, sir.

11 Q. Okay. So, again, we go back to your number-one
12 priority for the safety of you and other people who may
13 be around, right?

14 A. Yes, sir.

15 Q. That includes anyone -- like at any scene,
16 you've got to have everyone safe so that you can start
17 figuring out what happened, right?

18 A. Yes, sir.

19 Q. Okay. So, do you go inside the apartment?

20 A. Yes. At that point when I asked her what had
21 happened, was she okay, what happened.

22 Q. Okay. And you got information from her?

23 A. Yes, sir.

24 Q. And then you went inside the apartment?

25 A. Yes, sir.

1 Q. Where did you go?

2 A. Upstairs.

3 Q. Okay. Now, what did you see when you went
4 upstairs?

5 A. She took me to -- escorted me to a room
6 upstairs.

7 Q. Describe the condition of the room.

8 A. There was clothing on the floor, thrown about
9 on the floor. There was a television laying on the
10 ground, DVD player. It just looked messy.

11 Q. Okay. Did you see a person in there?

12 A. Yes. Yes, sir.

13 Q. Okay. Did you see a child in there?

14 A. No, sir.

15 Q. Okay. Now, the person you saw, do you see that
16 person in this courtroom?

17 A. Yes, sir.

18 Q. Can you point him out and talk about a piece of
19 clothing that he's wearing?

20 A. That individual right there (indicating).

21 Q. And there's two individuals. Which one?

22 A. Okay. I'm sorry. I misunderstood. That
23 gentleman right there wearing the collared shirt, it's
24 kind of green, green stripes on it.

25 MR. McCLEES: Your Honor, may the record

1 reflect he's identified the defendant?

2 THE COURT: The record will so reflect.

3 Q. (By Mr. McClees) All right. So, you see the
4 defendant. What's he doing?

5 A. Sleeping.

6 Q. What do you do?

7 A. Well, I immediately kind of glanced around.
8 She had made -- when I first got there, she had made a
9 comment about --

10 MR. GREENLEE: Objection. That's hearsay.

11 THE COURT: I'm sorry, what --

12 MR. McCLEES: He started saying -- and I'll
13 go around that.

14 THE COURT: Wait a minute. Wait a minute.
15 Your objection is hearsay?

16 MR. GREENLEE: He started to say she made a
17 comment about that.

18 THE COURT: He started to -- sustained.

19 Q. (By Mr. McClees) Okay. Without going into what
20 she said --

21 A. Okay.

22 Q. -- specifically, she had given you information
23 for things to look for?

24 A. Made a comment that there had been a weapon.

25 MR. GREENLEE: Objection.

1 THE COURT: Sustained.

2 Answer only the question that is asked,
3 Officer, and nothing more.

4 THE WITNESS: Okay. Yes, sir.

5 MR. GREENLEE: Ask for an instruction, Your
6 Honor.

7 THE COURT: I just gave one.

8 Q. (By Mr. McClees) You saw the defendant. This
9 is where I'm going towards. We'll take it step-by-step.

10 A. Yes, sir.

11 Q. Right now let's talk about the defendant. You
12 saw him in the bed. What was he doing?

13 A. Sleeping.

14 Q. What did you do?

15 A. Well, I immediately just looked around to make
16 sure the scene was safe.

17 Q. Did you discover anything?

18 A. Yes, sir.

19 Q. What did you see?

20 A. I saw a pair of scissors on the bed.

21 MR. McCLEES: May I approach the witness,
22 Your Honor?

23 THE COURT: You may.

24 Q. (By Mr. McClees) We'll get more into this
25 later, but did you later take those scissors?

1 A. Yes, sir.

2 Q. I'm showing you State's Exhibit No. 4, which is
3 an evidence bag. Taken out of that are scissors. Are
4 those scissors that were in the bag that was State's
5 Exhibit No. 4 the scissors that you saw (indicating)?

6 A. Yes, sir.

7 Q. And how do you know that?

8 A. Well, I mean, they're -- I picked them up,
9 placed them into evidence.

10 Q. Okay. So, you saw those. Did you get those --
11 and where were the scissors?

12 A. On one of the beds. There was two twin beds.

13 Q. Were the twin beds together or apart?

14 A. Together.

15 Q. All right. So, you saw that in the bed. Was
16 it near the defendant?

17 A. Close enough.

18 Q. Okay. Did you remove the scissors?

19 A. Yes, sir.

20 Q. Okay. What did you do next?

21 A. I then woke him.

22 Q. Okay. Did you ask him to come downstairs?

23 A. Yes, sir.

24 Q. Was he clothed?

25 A. Yes, sir, he was.

1 Q. Do you remember what he was wearing?

2 A. No, I don't.

3 Q. You asked him to come downstairs. Does he
4 comply?

5 A. Yes, sir.

6 Q. Does he tell you anything?

7 A. Not at that point. I mean, I brought him
8 outside for officer safety.

9 Q. Is that something you refer to as detention?

10 A. Basically. I mean, I put him into my custody.

11 Q. And that's different from an arrest, right?

12 A. Yes, sir.

13 Q. At this point, you've been given information
14 and you're trying to make sure the scene is safe?

15 A. Yes, sir.

16 Q. All right. Now, you secured the defendant,
17 right?

18 A. Yes, sir.

19 Q. And how did you do that? Did you put cuffs on
20 him?

21 A. Yes, sir.

22 Q. Where did you put him?

23 A. I placed him -- escorted him out of the
24 residence and placed him in my patrol vehicle.

25 Q. What was his demeanor like?

1 A. Just -- I mean, just appeared to be calm. I
2 mean, he didn't resist or anything.

3 Q. Did he appear to be surprised that you were
4 there?

5 A. Well, when he first woke up.

6 Q. So, do you go back and then talk to the victim
7 again?

8 A. Yes, sir.

9 Q. All right. And, again, don't -- it's important
10 because of the rules of hearsay. Don't go into what she
11 said, but did you get more detail about what happened?

12 A. Yes, sir.

13 Q. All right. Now, when -- after you got that,
14 did you collect any evidence?

15 A. Yes, sir.

16 Q. Or did you go upstairs and look further in the
17 room as well?

18 A. Yes, sir.

19 Q. Now, did you see -- again, without going into
20 what she said, did you see items that were consistent
21 with what she told you?

22 A. Yes, sir.

23 Q. All right.

24 MR. McCLEES: May I approach the witness,
25 Your Honor?

1 THE COURT: You may.

2 Q. (By Mr. McClees) These items have already been
3 admitted into evidence. We see State's Exhibit No. 6.
4 Is this the television that you referred to earlier
5 (indicating)?

6 A. Yes, sir.

7 Q. Did you take this into evidence?

8 A. Yes, sir.

9 Q. All right. And this television, we see a tie
10 here. Is this a tie that's used in the collection of
11 evidence at times?

12 A. Yes, sometimes to secure evidence.

13 Q. And is there -- I'm going to take this over to
14 you. Maybe you can see from here. If you can see from
15 here, that's fine. Is there anything about the cord on
16 this TV that's different from a normal TV (indicating)?

17 A. It appears to have been cut.

18 Q. Is that consistent with being cut with
19 scissors?

20 A. Yes, sir.

21 Q. All right. Then we see State's Exhibit No. 7,
22 which is an evidence box that contains what
23 (indicating)?

24 A. DVD player.

25 Q. This DVD player also has a separate cord?

1 A. Yes, sir.

2 Q. Okay. Appeared to be severed by scissors?

3 A. Yes, sir.

4 Q. Okay. Then you said there was clothing around.

5 A. Yes, sir.

6 Q. Did you pick up some of the clothing?

7 A. Yes, sir.

8 Q. Did you pick up all of the clothing?

9 A. Yes, sir.

10 Q. All right. The clothing that you picked up,
11 without going through it piece-by-piece, we've got some
12 that's in State's Exhibit No. 5 here, a pair of blue
13 jeans. Does this appear to be cut (indicating)?

14 A. Yes, sir.

15 Q. Okay. By scissors?

16 A. Yes, sir.

17 Q. You saw a couple of pieces of clothing that
18 were like that, correct?

19 A. Yes, sir.

20 Q. Did you pick up everything you saw cut by
21 scissors?

22 A. Everything that I could find.

23 Q. That you saw, I guess --

24 A. That appeared to be cut.

25 Q. Okay. So, you picked up that stuff. And,

1 again, you said that her dress appeared to be cut,
2 right?

3 A. Yes, sir.

4 Q. That was on her, so you didn't take that.
5 Correct?

6 A. That's correct, sir.

7 Q. Okay. So, you find out from her what happened.
8 Do you talk to the defendant?

9 A. Yes. At that point, I gathered information
10 from him.

11 Q. At this point, is he under arrest?

12 A. Well, I'm still conducting my investigation.

13 Q. So, he's not under arrest at this point?

14 A. Not at that point.

15 Q. Okay. Did he admit to cutting those?

16 A. Yes, sir.

17 Q. Okay. Did he tell you why he cut those?

18 A. He was upset. He said he was angry.

19 Q. Did you ask him anything about sex?

20 A. Yes, sir.

21 Q. Did he say that he did or did not have sex?

22 A. He said he did not.

23 Q. And then you took all that evidence and you
24 tagged it into the property room, right?

25 A. Yes, sir.

1 Q. To your knowledge, that's where it's been?

2 A. Yes, sir.

3 Q. Then you talked further to the victim in the
4 case, right?

5 A. Yes, sir.

6 Q. Do you offer to call her an ambulance?

7 A. Yes, sir.

8 Q. Okay. She didn't take you up on that, right?

9 A. Not at the time.

10 Q. Do you know why?

11 A. I couldn't explain that. It happens. It
12 commonly happens. A lot of times they don't want an
13 ambulance.

14 Q. Okay. Did you see children while you were
15 there?

16 A. I believe she had a small child with her.

17 MR. McCLEES: Pass the witness, Judge.

18 **CROSS-EXAMINATION**

19 **BY MR. GREENLEE:**

20 Q. Officer Casas, you were the person preparing
21 the offense report in reference to this case; is that
22 correct?

23 A. Yes, sir.

24 Q. And the purpose behind the offense report is to
25 memorialize what you see in your investigation; is that

1 accurate?

2 A. That's correct, sir.

3 Q. You obviously included in the offense report
4 those things that are important; is that correct?

5 A. That's correct.

6 Q. Because, clearly, you cannot remember every
7 case that you investigate without using the report; is
8 that right?

9 A. Yes, sir.

10 Q. In fact, here in court today you've referred to
11 it because you don't remember, is that right, some
12 things?

13 A. I -- correct.

14 Q. Now, when you arrived at the location and you
15 went up to the bedroom, can you describe roughly the
16 dimensions of the bedroom?

17 A. I would say -- I mean, like I didn't take out a
18 ruler or anything or measure out anything. If you're
19 asking me my opinion, roughly, probably, about 10 feet
20 by 12 or maybe 8 by 10.

21 Q. I guess the question, Officer: Was this a
22 large bedroom?

23 A. It wasn't very large. I mean, it was a
24 bedroom.

25 Q. I think you testified that you went into the

1 bedroom and you observed Mr. Penright lying on one of
2 the twin beds. Is that accurate?

3 A. That's correct, sir.

4 Q. Do you know if that was along a wall of any
5 kind; a west wall, north wall, or south wall, or
6 anything like that?

7 A. In regards to the positioning of the bed, it
8 was -- I'd refer to it as closest to the west wall or an
9 east wall, or which way they were facing as far as the
10 head and the feet.

11 Q. The other twin bed, that was on another wall,
12 was it not?

13 A. It was closest to another wall, yes, sir.

14 Q. So, there would have been a space between the
15 two beds; is that accurate?

16 A. In this situation, they were close together.

17 MR. GREENLEE: May I approach the witness,
18 Judge?

19 THE COURT: You may.

20 Q. (By Mr. Greenlee) Take a look at your copy of
21 the offense report for purposes of refreshing your
22 memory. See if we have the same report (indicating).

23 A. Yes, sir.

24 Q. Go to the second page, marked 2.004.

25 A. Yes, sir.

1 Q. Where it says: Officers' actions.

2 A. Yes, sir.

3 Q. If you can read that paragraph to yourself,
4 please.

5 A. Do you want the whole paragraph?

6 Q. Down to where it says: Placing him in custody.

7 A. Okay. Point out where --

8 MR. McCLEES: May I approach briefly?

9 THE COURT: You may.

10 MR. McCLEES: What page?

11 MR. GREENLEE: 2.004.

12 A. You're talking about starting right here,
13 arrived at the scene (indicating)?

14 Q. (By Mr. Greenlee) Yes, sir. Read it to
15 yourself. Not out loud, please.

16 A. (Witness complies).

17 Okay.

18 Q. Based upon refreshing your memory, you went
19 into the bedroom, there were two beds and one on the
20 east wall and one on the west wall; is that correct?

21 A. One was next to the eastern wall.

22 Q. And one next to the western wall?

23 A. Well, it wasn't next to the western wall. It
24 was closest to the western wall. As far as positioning,
25 that was the best way I could describe it.

1 Q. There would have been a space between the two
2 beds; is that correct?

3 A. Not if they're close together, side-by-side.

4 Q. Do you know for a fact or you're assuming?

5 A. They were together.

6 Q. And the pair of scissors that you found were
7 not found on the bed that Mr. Penright was laying in; is
8 that correct?

9 A. That's correct.

10 Q. It was on the other bed?

11 A. Yes, sir.

12 Q. And at that point in time, you retrieved the
13 scissors; is that right?

14 A. That's correct.

15 MR. GREENLEE: May I approach the exhibit,
16 Your Honor?

17 THE COURT: You may.

18 MR. GREENLEE: That would be State's
19 Exhibit No. 4. May I approach the witness, Your Honor?

20 THE COURT: You may.

21 Q. (By Mr. Greenlee) Would these be the same
22 scissors that you retrieved (indicating)?

23 A. That's correct.

24 Q. Once you retrieved these scissors, Officer
25 Casas, what did you do with them?

1 A. Kept them in my vest.

2 Q. After you left the scene, what did you do with
3 them? Did you turn them over to another officer at the
4 scene?

5 A. No, sir. I kept them in my custody.

6 Q. What did you do after you left the scene with
7 the scissors?

8 A. I tagged them into evidence in our property
9 room.

10 Q. You testified, obviously, that you've had
11 extensive training; is that correct?

12 A. Training with the academy and experience from
13 working.

14 Q. Do you know if there was any other officer who
15 had responsibility for this case?

16 A. Yes, sir.

17 Q. Who was that officer?

18 A. Who was it?

19 Q. Who was it?

20 A. His name is Officer Wilson.

21 Q. At what point in this process did Officer
22 Wilson become involved?

23 A. I had him come by so he could keep an eye on
24 the suspect.

25 Q. So, his involvement was just limited to the

1 date of January 13th, 2010, standing out there with the
2 defendant?

3 A. Correct, sir.

4 Q. At that point in time he had no other
5 involvement?

6 A. No.

7 Q. What did you do with State's Exhibit 4 after
8 you left the scene?

9 A. That would be the scissors?

10 Q. Yes, sir.

11 A. Took them and put them in the property room.

12 Q. Okay. Did you make a request to have the
13 scissors fingerprinted?

14 A. No, sir.

15 Q. Do you know if these scissors were ever
16 fingerprinted?

17 A. Not to my knowledge.

18 Q. It would be fair to say that you are not a
19 fingerprint expert; is that correct?

20 A. I've done fingerprinting. I don't know if that
21 necessarily makes me an expert, but I've done lots of
22 fingerprinting.

23 Q. Let me ask you a question then. With regard to
24 the fingerprinting process, removing fingerprints, how
25 does that work?

1 A. Well, as far as at my level, any fingerprints
2 that I would collect would be dusted with fingerprint
3 dust.

4 Q. And this particular instance, when you handled
5 State's Exhibit No. 4, did you handle it on the metal
6 part or the plastic part?

7 A. I just picked up the scissors. I mean, I
8 commonly pick up scissors by the handlebar.

9 Q. Were there any attempts made by you to dust
10 this exhibit?

11 A. No, sir.

12 Q. Okay. As far as you know, were there any
13 attempts made by anyone with the Houston Police
14 Department to dust these items?

15 A. Not that I know of, sir.

16 Q. You never specifically requested that; is that
17 right?

18 A. That's correct, sir.

19 Q. That's something you could have made a request
20 for; is that correct?

21 A. Honestly, I'm assuming I could have.

22 Q. I'm sorry?

23 A. I'm assuming I could have, yes, sir.

24 Q. When you spoke with the defendant, I think you
25 testified that he said to you that he had cut up the

1 items; is that correct?

2 A. That's correct, sir.

3 Q. That was an admission on his part, he never
4 tried to deny that?

5 A. He didn't deny it.

6 Q. He did not resist you in any way?

7 A. No, sir.

8 Q. When you went up to the bedroom, he was still
9 asleep; is that right?

10 A. That's correct, sir.

11 Q. You specifically asked him whether or not he
12 engaged in sex with Ms. Rivers; is that correct?

13 A. That's correct.

14 Q. I think you said he said no. Is that correct?

15 A. That's correct, he said no.

16 Q. But he did tell you he was angry and upset; is
17 that right?

18 A. That's correct.

19 Q. How long after you received the call did you
20 arrive, do you remember?

21 A. I'd have to refer to my report.

22 I received the call at 11:20, I got
23 dispatched to it, and arrived at 11:28.

24 Q. So, roughly eight minutes later; is that
25 correct?