

1 THE COURT: You may step aside. Members  
2 of the jury, we are going to take a short break at  
3 this time. Please remember the instructions I've  
4 given you.

5 (Brief recess.)

6 (Whereupon the following proceeding  
7 is held in the presence of the  
8 jury.)

9 MR. WAKEFIELD: Your Honor, the State  
10 calls Paul Chamberlain.

11 THE BAILIFF: The witness needs to be  
12 sworn, Judge.

13 (Whereupon the witness is sworn by  
14 the Court.)

15 **PAUL CHAMBERLAIN,**

16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 BY MR. WAKEFIELD:

19 Q. Good morning.

20 A. Good morning.

21 Q. Please introduce yourself to this jury.

22 A. My name is Paul Chamberlain. I'm a senior  
23 forensic consultant with Ron Smith & Associates.

24 Q. Explain to the jury what Ron Smith & Associates  
25 does.

1           A.       Ron Smith & Associates is a forensic consulting  
2 company. We've been contracted by the Houston Police  
3 Department to provide latent print comparison services.

4           Q.       Whenever a latent print is found through  
5 investigation and is submitted for analysis, are they sent  
6 to you?

7           A.       That's correct. They are, yes.

8           Q.       Do you work here in Houston?

9           A.       I do.

10          Q.       Now, when you identified yourself, what did you  
11 say your title was?

12          A.       Senior forensic consultant.

13          Q.       Explain to the jury what a senior forensic  
14 consultant does. What are your duties?

15          A.       My main duties at this time are to carry out  
16 latent print examination, provide consultancy services to  
17 HPD on the best use of latent prints. I also have past  
18 experience in crime scene examination and dealing with  
19 other areas of forensic science.

20          Q.       What -- how long have you been doing forensic  
21 consulting or forensic work?

22          A.       I've been working in forensic sciences for 29  
23 years.

24          Q.       Tell the jury what you've done in terms of  
25 forensic science during those 29 years.

1           A.       I have a bachelor of science degree. I'm a  
2 certified latent print examiner, registered fingerprint  
3 examiner in the United Kingdom. I worked initially with  
4 the Metropolitan Police, the Police in Scotland Yard in  
5 London, England where I undertook basic and advanced  
6 training. I then moved to Bethinger Police where I was a  
7 senior latent print examiner and manager. And then to  
8 Hoffincher where I was in charge of both fingerprint and  
9 DNA services.

10           In January 2000, I moved to the United Kingdom  
11 Service, which is the national forensic provider, where I  
12 was a technical lead for fingerprint examination. In  
13 January of 2012, I took a post as a senior consultant with  
14 Ron Smith & Associates.

15           Q.       Since January of 2012, have you been in Houston  
16 working on these cases?

17           A.       Yes.

18           Q.       Not this case, but cases from HPD.

19           A.       Old cases from HPD. I return home  
20 occasionally.

21           Q.       Have you ever testified in court before?

22           A.       I have indeed, yes.

23           Q.       Ballpark, how many times?

24           A.       In Texas, four times. Prior to that, back in  
25 the United Kingdom, over a hundred times.

1 Q. Have you ever testified as an expert in  
2 identifying fingerprints and latent prints?

3 A. In each case, yes.

4 Q. All right. Now, were you charged with  
5 performing a latent print examination in the case that  
6 we're here for today?

7 A. I was.

8 Q. Explain to the jury what a latent print is.

9 A. Essentially, if you look at the fingers and the  
10 palms of your hands, you can see that they are colored  
11 with lots of lines, which we call ridges, which form  
12 patterns. And these ridges break suddenly or fall into  
13 one or two parts, which we refer to as minutia or  
14 characteristics. A latent print is essentially the sweat  
15 moved across those ridges so that when the hand touches a  
16 surface, it leaves a representation of that fingerprint.  
17 A better way of explaining it, invisible ink. We can then  
18 develop that invisible latent print using powder or  
19 chemicals so that it's visible and we can compare it to a  
20 known set of prints.

21 Q. Whenever you say a latent print is sweat that  
22 is like, basically, rubbed across a surface, are there  
23 some surfaces that are better to pull a latent print off  
24 than others?

25 A. Yes, there are. Sweat is basically water,

1 about 90 to 98 percent water, and then some fat and DNA  
2 and other chemicals. So, essentially, you are talking  
3 about a thin trace of water on the surface. If it's an  
4 absorbing surface, that sweat will be absorbed into the  
5 surface and the fingerprint will dissipate in those cases.  
6 If it's a very textured surface, then it's difficult --  
7 the fingerprint breaks down and it's difficult to actually  
8 see the pattern and the minutia. But smooth, shiny  
9 surfaces, particularly glass, metals, are very good. And  
10 they will retain a fingerprint, which can be developed.

11 Q. When you say glass and metals, what about like  
12 the metal of the interior of a vehicle, would that be a  
13 good surface for a print?

14 A. Yes, it's a good surface.

15 Q. Now, when you were charged to do a fingerprint  
16 analysis in this investigation, were you given the  
17 fingerprints of two known individuals?

18 A. I was indeed, yes.

19 Q. Were those two individuals Greg Coleman and  
20 John Thomas?

21 A. If I may refer to my notes.

22 Q. You may.

23 A. Yes, indeed they were.

24 Q. Now, just for clarification, have you ever  
25 heard of a situation where two people have the same

1 fingerprint?

2 A. No, it's never occurred.

3 Q. Now, when you are tasked to do an analysis and  
4 you have a known set of prints, how do you compare the  
5 known set of prints to a latent print?

6 A. Well, the first stage is to look at the latent  
7 print. And as I mentioned before, there are  
8 characteristics and minutia. We look for a number of  
9 these forming and distinctive special arrangements. We  
10 will then take that special arrangement of these minutia  
11 and compare with each finger in the known set of  
12 fingerprints.

13 Q. Whenever you find -- if the fingerprint  
14 matches, does that mean that's the same person?

15 A. Yes. Once we've matched those minutia, so the  
16 same minutia, same position occurring both in the known  
17 fingerprint and in the latent print, then we have a match.

18 Q. Is it possible if a print is taken, but it's so  
19 smudged because the sweat has been moved, or something  
20 like that, that no print is available to distinguish?

21 A. Yes. It's possible to see latent prints, which  
22 you can recognize as being from a hand, or from a palm, or  
23 a finger and be a latent print, but because of the  
24 movement of the finger or the palm which touched the  
25 surface and other factors, the actual minutia are

1 indistinct so we cannot make an identification.

2 Q. Now, in this case, were you given two cards of  
3 fingerprints that were taken by an officer named D. C.  
4 Lambright?

5 A. Yes. These were received by the latent print  
6 lab at the Houston Police Department.

7 Q. When D. C. Lambright took these fingerprints,  
8 did he indicate where he had gotten them from?

9 A. Yes. On the back of the card, he has given a  
10 description of the location.

11 Q. What location were those taken from?

12 A. There are two latent print cards. And on the  
13 first latent print card he described as coming from  
14 exterior driver's side front door, top window frame at  
15 back. The second card has exterior driver's side center  
16 post at top front.

17 Q. So, when we mentioned before like the smooth  
18 edges, sounds like glass and metal is what we're talking  
19 about here?

20 A. It does, yes.

21 Q. All right. Now, were you able to analyze the  
22 known fingerprints of John Thomas and Greg Coleman versus  
23 the fingerprints -- the latent prints that were discovered  
24 from those surfaces?

25 A. Yes. One of the fingerprint cards did not have

1 a latent print that I could use, but there are two latent  
2 prints on the other card and I compared those to the known  
3 sets of prints.

4 Q. Did either of them match?

5 A. No, they did not.

6 Q. Were the fingerprints one -- was it because  
7 they were too smudged or those didn't match the  
8 fingerprints you had?

9 A. No. They could call them the latent prints,  
10 they just do not match. I could exclude these two  
11 individuals as having made these fingerprints.

12 Q. Could you exclude those individuals from making  
13 the first set that you looked at, though?

14 A. No.

15 Q. So, in fact, those fingerprints could have made  
16 the first set you looked at?

17 A. They could indeed, yes.

18 MR. WAKEFIELD: Pass the witness.

19 **CROSS-EXAMINATION**

20 BY MR. ANDERSON:

21 Q. The one set -- the one card where you were able  
22 to make a comparison between the known prints of Mr.  
23 Coleman and Mr. Thomas to the prints -- the latent prints  
24 that were found on the car, where did the prints come  
25 from?

1           A.       The latent prints that I could use, all the  
2 ones described as exterior on driver's side center post.

3           Q.       Now, there were sufficient characteristics on  
4 the prints that were found on that card to be able to  
5 effect a comparison with some known prints, correct?

6           A.       That's correct.

7           Q.       All right. And what you concluded is that the  
8 prints that were found on that card were not the prints of  
9 Mr. Coleman or Mr. Thomas?

10          A.       That's correct.

11          Q.       All right. But there were sufficient  
12 characteristics to make identification, you just excluded  
13 those two individuals?

14          A.       Yes. Those two latent prints were not made by  
15 those two individuals.

16          Q.       All right. To your knowledge, were those  
17 prints ever taken by the Houston Police Department and  
18 compared with other prints to determine if an  
19 identification could be made?

20          A.       Yes. We have technology which is called AFIS,  
21 Automatic Fingerprint Identification System, which is a  
22 computerized database. There are three databases. These  
23 latent prints were searched through a local database  
24 containing records pertinent to Houston, the state  
25 database, and also the FBI database, and no hit was made.

1 Q. Now, would that mean, then, that whoever left  
2 those prints, their prints weren't found in the AFIS  
3 database?

4 A. That's correct.

5 Q. All right. But someone made those prints, but  
6 there's no way of finding out who that person is, correct?

7 A. That's correct. The AFIS system is not a  
8 hundred percent accurate. So, it is possible there's a  
9 card that matches within the database, but it didn't hit.  
10 That's very unlikely. It's most likely that these were  
11 made by someone who is not within our database system or  
12 records for comparison.

13 Q. All right. Now, the card that had --  
14 apparently had prints on it that you weren't able to --  
15 and I assume you didn't have sufficient characteristics to  
16 make an identification; is that correct?

17 A. That's correct.

18 Q. All right. Which is why you didn't make any  
19 type of determination as to whose those prints were?

20 A. Absolutely correct.

21 Q. Now, other than receiving the two print cards  
22 that were prepared by Officer Lambricht, were you given  
23 any other prints to try and make any type of comparison?

24 A. No, sir, I was not.

25 MR. ANDERSON: I'll pass the witness.

1 Thank you, sir.

2 **REDIRECT EXAMINATION**

3 BY MR. WAKEFIELD:

4 Q. In your experience as a fingerprint analyst,  
5 have you worked with fingerprints that have been taken  
6 from cars before?

7 A. Yes, on many occasion.

8 Q. If a car is left in a public place, let's say a  
9 street, for a while, let's say it's abandoned, it's  
10 possible a bunch of fingerprints can come on that car?

11 A. Yes. In my experience, I would expect that  
12 would be the case.

13 Q. If a car has been handled by police officers  
14 and towed by a tow truck, is it possible that that person  
15 could leave fingerprints on the car?

16 A. It certainly is possible.

17 Q. If a car is -- is brought into a bay by workers  
18 and stuff like that, is it possible that fingerprints from  
19 that person could have gotten on the car?

20 A. Again, yes.

21 Q. If there was evidence that people were using  
22 tissues to cover their hands when they were at a crime  
23 scene, would that stop fingerprints that they had from  
24 being left on surfaces?

25 A. Yes, it would. It might depending on the type

1 of tissue and the absorbency. It wouldn't necessarily  
2 provide a total barrier, but, generally, if someone wears  
3 gloves or covers their hands with tissues, then they would  
4 not leave latent prints.

5 Q. In your experience in dealing with these kinds  
6 of cases, do you often find prints that are unidentified?

7 A. Yes, it's very common.

8 Q. Does that mean anything as far as you're  
9 concerned with this investigation?

10 A. No. It neither helps or hinders the  
11 investigation.

12 MR. WAKEFIELD: Pass the witness.

13 **RE-CROSS-EXAMINATION**

14 BY MR. ANDERSON:

15 Q. Mr. Chamberlain, I would take it that if the  
16 vehicle was towed there to the police department for  
17 storage, someone with the police department should know  
18 who the person was who towed that vehicle, correct?

19 A. Correct. In fact, the known fingerprints would  
20 be within the database.

21 Q. If we're talking about a police officer who may  
22 have come into contact with that vehicle, of course, the  
23 Houston Police Department would know who that Houston  
24 police officer would be?

25 A. Yes.

1 Q. Would his prints, likewise, be in the AFIS  
2 database?

3 A. They would.

4 Q. The prints that were recovered from that car  
5 that you were able to analyze, whose prints those are  
6 would only be speculative; is that correct?

7 A. Absolutely correct. Yes.

8 Q. Those prints could belong to the persons who  
9 actually committed this offense, correct?

10 A. That is correct.

11 Q. But because those prints aren't in the AFIS  
12 database, there's no way of determining who that person  
13 was, there's no way to prepare a photo spread or a line-up  
14 to include that person's photo in a line-up in order to  
15 allow witnesses to view it to see whether or not those  
16 witnesses identified the person?

17 A. Yes.

18 Q. Simply because somebody's prints are not in the  
19 AFIS database doesn't mean that that person could not  
20 commit a crime. Is that a fair statement?

21 A. That's absolutely a fair statement, yes.

22 MR. ANDERSON: I'll pass the witness.

23 MR. WAKEFIELD: Nothing further, Judge.

24 THE COURT: You may step down.

25 MR. WAKEFIELD: The State calls Priscilla