

## 1 DIRECT EXAMINATION

2 BY MS. DOWNING:

3 Q. Deputy, would you please introduce yourself to  
4 the jury?

5 A. My name is Gary Clayton.

6 Q. And, Mr. Clayton, how are you employed?

7 A. By the Harris County Sheriff's Office.

8 Q. And what do you do for the Harris County  
9 Sheriff's Office?

10 A. I'm a crime scene investigator.

11 Q. Can you tell the jury what that entails?

12 A. Yes. We process violent crimes within the  
13 Harris County jurisdiction.14 Q. Okay. And when you say process, what exactly  
15 does that mean?16 A. We go out and photograph, collect evidence,  
17 process that evidence and then submit it to outside  
18 agencies if needed.19 Q. Okay. And what kind of training and  
20 background do you have in order to hold such a  
21 position?22 A. We take numerous forensic classes from local  
23 agencies, DPS and FBI.24 Q. Okay. And would you consider yourself  
25 employed as a fingerprint expert?

1 A. Yes.

2 Q. Okay. Have you testified in regards to  
3 fingerprints before?

4 A. Yes, ma'am, I have.

5 Q. On numerous occasions?

6 A. Yes.

7 Q. And can you describe to the jury what exactly  
8 a fingerprint is?

9 A. It's a reproduction of the ridges on the back  
10 of a finger.

11 Q. Okay. And I'm sorry, how many hours of  
12 training do you have?

13 A. Over 17 years I'm -- thousands, I assume.

14 Q. Okay. And so, you were talking about the  
15 fingerprint, the ridges.

16 A. Yes, ma'am.

17 Q. Okay. And have you -- in your training and  
18 experience, have you ever found there to be two people  
19 with the exact same fingerprint?

20 A. No, ma'am.

21 Q. Is it possible?

22 A. No.

23 Q. And can you describe what types of different  
24 fingerprints there are?

25 A. There are three main classifications. There's

1 a whirl, a loop and then there's an arch.

2 Q. Okay. And what is a latent print?

3 A. A latent print is just a fingerprint that's  
4 not visible to the human eye.

5 Q. And that's something you come in contact with  
6 when you're processing these scenes?

7 A. That's correct.

8 Q. Okay. And what's the difference between that  
9 and inked print?

10 A. An inked print is just a reproduction of  
11 ridges on the back of a finger in printer's ink on a  
12 contrasting background like a white index card.

13 Q. And is it possible to match fingerprints or  
14 these inked prints?

15 A. It's possible to identify fingerprints, yes,  
16 ma'am.

17 Q. Can you describe to the jury how you do that?

18 A. What I do -- there's certain characteristics  
19 within the fingerprint that I'm looking for. So, I put  
20 the known and unknown together and I start looking for  
21 those same characteristics within each fingerprint to  
22 see if those identify and those match.

23 Q. Okay. So, you can take the print of a known  
24 person and match them to an inked print?

25 A. That is correct.

1 Q. Okay.

2 MS. DOWNING: Permission to approach,  
3 Your Honor?

4 THE COURT: Yes, ma'am.

5 Q. (BY MS. DOWNING) Deputy, I'm showing you  
6 what's been marked for identification purpose as  
7 State's Exhibit 25. Do you recognize this?

8 A. Yes, ma'am.

9 Q. What do you recognize it to be?

10 A. The right and left thumbprint of Vincent  
11 Williams.

12 Q. Of the defendant?

13 A. That's correct.

14 Q. And how do you know that that's, in fact, what  
15 that is?

16 A. Because I took those prints.

17 Q. When did you take those prints?

18 A. Several minutes ago.

19 Q. Okay. From the defendant?

20 A. That's correct.

21 Q. And can you identify the defendant, please?

22 A. The gentleman in the white shirt with the  
23 black tie.

24 MS. DOWNING: May the record reflect the  
25 witness has identified the defendant?

1 THE COURT: It will.

2 Q. (BY MS. DOWNING) Deputy, I'm now showing you  
3 what's been marked as State Exhibit No. 10.

4 A. Yes.

5 Q. Have you had a chance to review that?

6 A. Yes.

7 Q. Hold on one second.

8 The State would actually offer State's  
9 Exhibit No. 10, 11, 12, 13, 14, 15 and 16 as  
10 self-authenticating certified documents. Additionally  
11 Exhibit No. 19, 26, 27, 28, 29 and 30, all as  
12 self-authenticating court documents.

13 MR. BUNDICK: May I have a moment, Your  
14 Honor?

15 THE COURT: Yes, sir.

16 (Brief pause).

17 MR. BUNDICK: We have no objection to  
18 State's Exhibit 10 through 31.

19 THE COURT: 10 through 31? There's no 31  
20 that has been offered.

21 MR. BUNDICK: We have no objection to  
22 State's 10 through 16.

23 THE COURT: No objection, State's 10  
24 through 16 will be admitted.

25 MR. BUNDICK: No objection to State's 19.

1 THE COURT: State's 19 will be admitted  
2 without objection.

3 MS. DOWNING: The State would offer  
4 State's Exhibit No. 31 as a self-authenticated  
5 certified public document.

6 THE COURT: All right.

7 MR. BUNDICK: No objection to State's 26  
8 through 31.

9 THE COURT: Those will be admitted then.

10 MS. DOWNING: Permission to publish, Your  
11 Honor?

12 THE COURT: Yes.

13 Q. (BY MS. DOWNING) Deputy, I'm showing you  
14 what's been marked and admitted as State's Exhibit  
15 No. 10. What do you recognize this document to be?

16 A. A judgment from the court.

17 Q. Okay. And who is it in regards to?

18 A. Vincent Williams.

19 Q. Okay. And to your knowledge, what happens  
20 with these judgments? Are they printed at one  
21 particular time?

22 A. Yes, ma'am, they are.

23 Q. How are they -- how is that done?

24 A. How is it printed?

25 Q. Yes. Is there a fingerprint that's attached

1 to the document?

2 A. Oh, I thought you meant print by a printer.

3 Yes, they are -- there's a fingerprint  
4 card attached to it that's normally printed upon entry  
5 and release.

6 Q. Okay. So, when they plead guilty to the  
7 offense or they're found guilty, the thumbprint is  
8 attached to the document?

9 A. That's correct.

10 Q. Okay. And in State's No. -- State's Exhibit  
11 No. 10, the judgment and involving the defendant, were  
12 you able to compare this fingerprint with the print  
13 card that you took of the defendant?

14 A. Yes.

15 Q. And based upon that comparison, what opinion  
16 did you form?

17 A. They were identifying to the defendant.

18 Q. Okay. And how do you know that?

19 A. Because I'm the one that did the  
20 identification.

21 Q. Did you make any additional markings on  
22 State's Exhibit No. 10 to indicate that?

23 A. Yes. I put my initials and my unit number and  
24 the date that it was examined.

25 Q. And is that right here?

1 A. That's correct.

2 Q. And in State's Exhibit 11, were you able to  
3 identify this fingerprint?

4 A. Yes.

5 Q. And is it the same as the defendant's?

6 A. That's correct.

7 Q. And did you initial that to indicate as such?

8 A. Yes, ma'am.

9 Q. And in State's No. 12, the judgment for  
10 indecent exposure, were you able to compare this  
11 fingerprint?

12 A. Yes, ma'am.

13 Q. And who did it belong to?

14 A. The defendant.

15 Q. And did you make any markings indicating that?

16 A. Yes, ma'am.

17 Q. Are those said markings?

18 A. Yes, ma'am.

19 Q. Did you make these marks on each and every  
20 fingerprint that you identified?

21 A. That's correct.

22 Q. And this judgment, State's Exhibit No. 13 for  
23 unauthorized use of a motor vehicle involving  
24 Mr. Williams, were you able to verify this fingerprint?

25 A. Yes, ma'am.



1 Q. And did you make those markings indicating  
2 that it belonged to the defendant?

3 A. Yes, ma'am.

4 Q. And State's No. 14, judgment for resisting  
5 arrest, were you able to identify this fingerprint?

6 A. Yes, ma'am.

7 Q. Did it belong to the defendant?

8 A. Yes.

9 Q. And did you make those markings?

10 A. Yes, ma'am.

11 Q. And in State's No. 15, evading arrest  
12 involving Mr. Vincent Williams, were you able to  
13 compare this fingerprint?

14 A. Yes.

15 Q. And who did it belong to?

16 A. The defendant.

17 Q. And did you make these markings indicating  
18 such?

19 A. Yes.

20 Q. And in State's No. 16, possession of a  
21 controlled -- of cocaine less than one gram involving  
22 Mr. Williams, were you able to compare this  
23 fingerprint?

24 A. Yes, ma'am.

25 Q. And who did it belong to?

1 A. The defendant.

2 Q. And did you make those markings indicating  
3 such?

4 A. Yes, ma'am.

5 Q. And in State's No. -- State's Exhibit No. 19,  
6 unauthorized use of a motor vehicle involving  
7 Mr. William, were you able to identify this  
8 fingerprint?

9 A. Yes, ma'am.

10 Q. And who did it belong to?

11 A. The defendant.

12 Q. And did you make these markings indicating  
13 such?

14 A. Yes, ma'am.

15 Q. And in State's No. 26, felon in possession of  
16 a weapon involving Mr. Williams, Deputy, what's the  
17 cause number on that judgment?

18 A. 987692.

19 Q. And in what court was the conviction?

20 A. 185th.

21 Q. And when was the sentence imposed?

22 A. November 9th, 2009 or 4.

23 Q. 2000 --

24 A. I can't tell if it's a four or a nine. Oh,  
25 it's a four.

1 Q. Were you able to match these fingerprints?

2 A. Yes.

3 Q. And who did they belong to?

4 A. The defendant.

5 Q. And did you make these markings as such?

6 A. Yes.

7 Q. And can you tell the jury what we're looking  
8 at here?

9 A. This is what's considered to be a 10-print  
10 it's a -- an inked fingerprint of each finger of the  
11 defendant as well as the thumbprints.

12 Q. And when are these 10-prints made?

13 A. Upon entry into the penal system.

14 Q. Okay. So, basically, when you go to prison,  
15 you get those 10 fingerprints made?

16 A. That's correct.

17 Q. And that's attached to this judgment in case  
18 No. 987692?

19 A. Yes.

20 Q. And what is this entire packet referred to?

21 A. It's commonly known as a pen packet.

22 Q. And can you describe to the jury what that  
23 means exactly?

24 A. It's just a record of being incarcerated in  
25 the Texas Department of Corrections.

1 Q. Thank you.

2 In State's Exhibit No. 27, Deputy, can  
3 you tell me what the cause number in this judgment?

4 A. 1046850.

5 Q. And what court?

6 A. 339th.

7 Q. And when was this sentence date?

8 A. March 1st, 2006.

9 Q. And were you able to identify these  
10 fingerprints?

11 A. Yes, ma'am.

12 Q. And did you make those markings indicating  
13 such?

14 A. Yes, ma'am.

15 Q. And who did they belong to?

16 A. The defendant.

17 Q. And in regards to the pen packets, they also  
18 include the defendant's photograph.

19 A. That's correct.

20 Q. Do you know when that photograph was taken?

21 A. March 28th, 2006.

22 Q. At the time of booking?

23 A. Yes, ma'am.

24 Q. And in State's No. -- State's Exhibit No. 28  
25 -- in State's No. 29, conviction for possession of a

1 controlled -- possession of cocaine less than one gram  
2 involving Mr. Williams, were you able to review this  
3 fingerprint?

4 A. Yes, ma'am.

5 Q. And who did it belong to?

6 A. The defendant.

7 Q. And did you make those markings indicating  
8 such?

9 A. Yes, ma'am.

10 Q. And in State's Exhibit No. 31, possession of  
11 cocaine less than one gram, were you able to identify  
12 these fingerprints?

13 A. Yes, ma'am.

14 Q. And who did they belong to?

15 A. The defendant.

16 Q. And did you make these markings?

17 A. Yes, ma'am.

18 Q. And besides these prints, have you had any  
19 other dealings with Mr. Williams?

20 A. No, ma'am.

21 MS. DOWNING: Pass the witness.

22 MR. BUNDICK: May I proceed?

23 THE COURT: Yes, sir.

24 CROSS-EXAMINATION

25 BY MR. BUNDICK:

1 Q. Deputy, tell me your name again.

2 A. Gary Clayton.

3 Q. Officer Clayton, you can't say that Vincent  
4 Williams was convicted in any of those documents,  
5 right?

6 What you're here to tell the jury is the  
7 fingerprints you compared that you took from him are  
8 the same as the ones that wrote down in those  
9 documents. Is that accurate?

10 A. That's correct.

11 Q. You weren't there when any of these things  
12 happened. So, you're not testifying that he was the  
13 same person. You're just saying the fingerprints are  
14 the same. Is that fair?

15 A. That's correct.

16 MR. BUNDICK: Pass the witness.

17 THE COURT: Ms. Downing?

18 MS. DOWNING: No further questions, Your  
19 Honor.

20 THE COURT: All right. Thank you, sir.  
21 You may step down and step outside.

22 Call your next witness, please.

23 MS. DOWNING: State recalls Officer  
24 Robinson.

25 THE WITNESS: Afternoon.

1 THE COURT: Afternoon.

2 Ms. Downing?

3 MS. DOWNING: Thank you.

4 CODY ROBINSON,

5 having been previously sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. DOWNING:

8 Q. Officer Robinson, for the record you are the  
9 officer that testified in this case earlier today?

10 A. Yes, ma'am.

11 Q. Okay. I wanted to talk to you again about  
12 State's Exhibit No. 22.

13 MS. DOWNING: Permission to approach,  
14 Your Honor?

15 THE COURT: Yes.

16 Q. (BY MS. DOWNING) In regards to State's  
17 Exhibit No. 6 and State's Exhibit No. 22, within the  
18 baggie that is marked as State's Exhibit No. 2, you had  
19 said that there was additional marijuana. Is there  
20 marijuana marked inside this bag?

21 A. Let me clarify.

22 THE COURT: No, hold on a second.

23 State's Exhibit No. 2?

24 MS. DOWNING: 22.

25 MR. BUNDICK: Objection, Your Honor, that