

1 (Open court, defendant present, no jury)

2 (Witness sworn)

3 (Open court, defendant and jury present)

4 THE COURT: All right. Please be seated.

5 Ms. Bruchmiller, will you please read the  
6 punishment enhancement paragraphs to the jury and to the  
7 defendant?

8 MS. BRUCHMILLER: Yes, Your Honor.

9 State of Texas versus Tyrone Lee Brown. In  
10 the name and by authority of the State of Texas: Before  
11 the commission of the offense alleged above, hereafter  
12 styled the primary offense, on September 25, 1991, in  
13 Cause No. 0609156 in the 248th District Court of Harris  
14 County, Texas, the defendant was convicted of the felony  
15 of aggravated robbery.

16 THE COURT: Mr. Brown, how do you plead to  
17 that paragraph, true or not true?

18 MR. CORNELIUS: The defendant pleads not  
19 true, Judge.

20 THE COURT: Go ahead.

21 MS. BRUCHMILLER: Before the commission of  
22 the primary offense and after the conviction in Cause  
23 No. 0609156 was final, the defendant committed the  
24 felony of aggravated robbery and was finally convicted  
25 of that offense on October 23, 2000, in Cause

1 No. 0858896 in the 184th District Court of Harris  
2 County, Texas.

3 THE COURT: To the second enhancement  
4 paragraph, how does the defendant plead?

5 MR. CORNELIUS: Not true.

6 THE COURT: All right. Be seated.

7 Ms. Bruchmiller.

8 MS. BRUCHMILLER: Your Honor, State calls  
9 Deputy Clayton.

10 THE COURT: All right.

11 THE BAILIFF: Your Honor, this witness has  
12 been previously sworn.

13 THE COURT: All right. Ms. Bruchmiller.

14 **GARY CLAYTON,**

15 having been first duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 **BY MS. BRUCHMILLER:**

18 Q. Good afternoon, Deputy Clayton.

19 A. Good afternoon.

20 Q. And can you tell us a little bit how you are  
21 employed?

22 A. I'm employed with the Harris County Sheriff's  
23 Office as a deputy.

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

1 A. Twenty-two years.

2 Q. Are you a certified peace officer?

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

4 Q. And what area are you currently assigned to?

5 A. To the Crime Scene Unit.

6 Q. And what does the Crime Scene Unit do? What  
7 are some of your duties?

8 A. We process, collect evidence from violent  
9 crimes in the jurisdiction of Harris County.

10 Q. And what kind of training, if any, have you had  
11 to undergo in order to be part of the Crime Scene Unit?

12 A. I've had -- excuse me. I've had several  
13 forensic classes from DPS, FBI, and local and state  
14 agencies.

15 Q. Have you had specialized training in  
16 fingerprint analysis?

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

18 Q. Have you had specialized training in  
19 fingerprint identification comparison?

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

21 Q. Have you testified before as an expert?

22 A. Yes.

23 Q. On few or many occasions?

24 A. On many.

25 Q. When you came to court today, did you meet

1 someone by the name of Tyrone Brown?

2 A. Yes.

3 Q. And can you point him out and identify him by  
4 an article of clothing?

5 A. The gentleman in the white shirt (indicating).

6 Q. What was your purpose in meeting with him?

7 A. To fingerprint him.

8 MS. BRUCHMILLER: Your Honor, may I  
9 approach the witness?

10 THE COURT: Yes.

11 Q. (By Ms. Bruchmiller) Now, Deputy Clayton, I'm  
12 going to ask you about several pieces of evidence and  
13 then we will go through them one by one.

14 I'm going to show you State's Exhibit 16.  
15 Are you familiar with this (indicating)?

16 A. Yes.

17 Q. And what is it?

18 A. It's several fingerprints taken from Tyrone  
19 Brown.

20 Q. Okay. So, the defendant that you identified  
21 here in the court?

22 A. That's correct.

23 MS. BRUCHMILLER: Your Honor, may the  
24 record reflect that this witness identified the  
25 defendant?

1 THE COURT: Yes.

2 Q. (By Ms. Bruchmiller) And which fingers did you  
3 take imprints of?

4 A. The right and left thumb and the right index.

5 Q. Okay. That's on the front and the back. And  
6 did you do that today?

7 A. Yes, ma'am, I did.

8 Q. All right. I'm going to have you look at  
9 State's Exhibit 10. Do you recognize this (indicating)?

10 A. Yes.

11 Q. State's Exhibit 12 (indicating).

12 A. Yes.

13 Q. 13 (indicating).

14 A. Yes.

15 Q. State's Exhibit 14 (indicating).

16 A. Yes.

17 Q. And State's Exhibit 15 (indicating).

18 A. Yes.

19 MS. BRUCHMILLER: Your Honor, at this time,  
20 I offer State's Exhibits 10, 12, 13, 14, and 15, and  
21 tender to opposing counsel for any objection.

22 (State's Exhibit No. 10, 12, 13, 14, and 15  
23 Offered)

24 MR. CORNELIUS: You can just leave them  
25 right there. You don't have to...

1 MS. BRUCHMILLER: They're all certified  
2 copies.

3 MR. CORNELIUS: I have no objection to them  
4 being certified copies, but at the present time I object  
5 to relevance.

6 THE COURT: Sustained.

7 Q. (By Ms. Bruchmiller) Deputy Clayton, what was  
8 your purpose in taking fingerprints from the defendant?

9 A. To compare the fingerprints on the documents  
10 you had.

11 Q. Okay. What -- could you briefly explain to the  
12 jury how you go about identifying and comparing  
13 fingerprints?

14 A. There are different characteristics within the  
15 fingerprint and you identify those characteristics in  
16 the known to those characteristics in the unknown print.

17 Q. How many different comparisons do you make on a  
18 single print?

19 A. Many. It depends on how comfortable the  
20 examiner is.

21 Q. For you, how many characteristics do you look  
22 for before you can say that there's a comparison between  
23 prints?

24 A. At least 12.

25 Q. Now, after you took the defendant's prints, did

1 you look at specific judgment and sentences?

2 A. I did.

3 Q. Okay. And is that what I showed you in State's  
4 Exhibits 10, 12, 13, 14, and 15?

5 A. That's correct.

6 Q. Were you able to link the defendant's  
7 fingerprints up to any of the court documents that I  
8 showed you?

9 A. To all of them.

10 Q. Were you able to link State's Exhibit 10 as  
11 being -- containing the defendant's fingerprints?

12 A. Yes.

13 Q. Were you able to link State's Exhibit 12 as  
14 containing the defendant's fingerprints?

15 A. Yes.

16 Q. State's Exhibit 13?

17 A. Yes.

18 Q. State's Exhibit 14 containing the defendant's  
19 fingerprints?

20 A. Yes.

21 Q. And State's Exhibit 15?

22 A. Yes.

23 MS. BRUCHMILLER: Your Honor, at this time  
24 I reoffer State's Exhibit 10 and then 12 through 15.

25 **(State's Exhibit No. 10, 12, 13, 14, and 15**

1                   **Offered)**

2                   MR. CORNELIUS: No objection.

3                   THE COURT: State's 10, 12, 13, 14, and 15  
4 are admitted.

5                   **(State's Exhibit No. 10, 12, 13, 14, and 15**  
6                   **Admitted)**

7                   MS. BRUCHMILLER: Pass the witness.

8                   MR. CORNELIUS: No questions.

9                   THE COURT: You may step down, sir.  
10 What says the State?

11                   MS. BRUCHMILLER: Your Honor, at this time,  
12 I offer State's Exhibit 11, which is a certified copy of  
13 the indictment for State's Exhibit No. 10. I'll tender  
14 to opposing counsel for any objection.

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

16                   MR. CORNELIUS: Objection as to relevance,  
17 Judge.

18                   THE COURT: Overruled. 11 is admitted.

19                   **(State's Exhibit No. 11 Admitted)**

20                   MS. BRUCHMILLER: With that, Your Honor,  
21 State rests.

22                   THE COURT: Mr. Cornelius.

23                   MR. CORNELIUS: We rest, Judge.

24                   MS. BRUCHMILLER: State rests and closes.

25                   THE COURT: Counsel approach for a moment.