

1 asking you to make some assumptions and presumptions that  
2 are not valid for them to make and certainly not valid for  
3 you to make beyond a reasonable doubt. And to be blunt, you  
4 will hear them say things that we will show you and we will  
5 say to you are not true. I will be respectful and  
6 professional about that but I will not be shy about that.  
7 You should not believe some of what these officers are going  
8 to tell you. Thank you.

9 *THE COURT:* Thank you, counsel.

10 Mr. Leonard, please call your first witness.

11 *MR. LEONARD:* The State calls Mona Colca.

12 *THE COURT:* She was on her way to the hospital  
13 but we made her come here.

14 *(Witness sworn.)*

15 *THE COURT:* Have your seat, please. Do you  
16 need any cold water or anything?

17 *THE WITNESS:* I'm okay right now.

18 *THE COURT:* You may proceed.

19 **MONA COLCA,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 Q. *(BY MR. LEONARD)* Please introduce yourself to the  
23 jury.

24 A. My name is Mona Colca, C-O-L-C-A.

25 Q. How are you currently employed?

1           A.    I'm a criminalist with the City of Houston Police  
2 Department crime laboratory in the controlled substances  
3 section.

4           Q.    Okay.  Were you excited about coming here today?

5           A.    Yes.

6           Q.    All right.  How far along are you?

7           A.    I have, like, a week left.

8           Q.    Okay.  Specifically what is your job with the  
9 Houston Police Department crime lab?

10          A.    I receive and analyze evidence and I test them for  
11 the presence of a controlled substance and then also come to  
12 court to testify.

13          Q.    And what is your educational background?

14          A.    I have a bachelor's degree in chemistry from Texas  
15 Tech University.  I've also received training with the  
16 Houston Police Department specifically in the controlled  
17 substances section.  I've also received training with the  
18 DEA, the FBI and then several other continuing education  
19 classes.

20          Q.    Is your lab accredited?

21          A.    Yes.

22          Q.    Okay.  And tell the jury exactly what it means for  
23 a lab to be accredited.

24          A.    When a laboratory is accredited, basically what  
25 they're looking for is that the laboratory is meeting the

1 standards set by the American Society of Crime Lab Directors  
2 Laboratory Accreditation Board and also the Texas Department  
3 of Public Safety.

4 Q. And just in general, give us an overview of your  
5 lab. How many -- how is it set up? How many chemists are  
6 there?

7 A. There are -- sorry; I have to count -- eight of us.  
8 And we analyze all the evidence that comes into the city of  
9 Houston. We have one manager. He's the person that assigns  
10 the cases to us and --

11 Q. Okay. And typically what kind of evidence do you  
12 analyze?

13 A. Unknown powders, chunks, liquids, tablets.

14 Q. I want to talk a little bit about how your lab  
15 receives evidence. How exactly is evidence submitted to  
16 your lab?

17 A. The officers will tag the evidence to our  
18 laboratory, either specifically at our headquarters -- we  
19 have a lockbox, which is kind of similar to a mailbox, like  
20 the blue ones where you can put the evidence in but you  
21 can't retrieve it -- and there are also lockboxes at several  
22 different substations within the city and they can also  
23 submit their evidence through there.

24 Q. Okay. And at the lockboxes throughout the city,  
25 can the officers retrieve evidence once they place it in?

1 A. No.

2 Q. And what's the purpose of that?

3 A. Just security.

4 Q. Now, I want to talk to you about some of the  
5 testing that you perform. Is it possible to take an unknown  
6 substance and determine what its identity is?

7 A. Yes.

8 Q. Just in general, how is that possible?

9 A. In our laboratory we perform two tests. The first  
10 test is a presumptive test. There's several different  
11 types. What we do is select which test we'll use and that  
12 test will indicate what substance may be present. Once we  
13 have an idea what substance may be there, then we'll move on  
14 to a confirmatory test that will help us confirm what  
15 substance is actually present.

16 Q. What is this presumptive test you perform?

17 A. Specifically in this case or?

18 Q. In this case specifically?

19 A. In this case I performed a chemical screening test  
20 and that's basically you just take a portion of the sample  
21 and you introduce reagents or chemicals to that sample and  
22 you look for a specific color change for whatever substance  
23 you're trying to identify.

24 Q. Okay. And so, you take a -- you take a sample to  
25 do presumptive testing and once you have an idea what the

1 substance may be, then you do what's called confirmatory  
2 test?

3 A. Correct.

4 Q. How do you perform confirmatory tests?

5 A. Do you want the specific ones used or just in  
6 general?

7 Q. Specific is fine.

8 A. There are several different types. One is the gas  
9 chromatographic mass spectrometer, or GCMS. What we'll do  
10 is take another portion of the sample and add a solvent to  
11 it, another chemical, let that dissolve, introduce that to  
12 the instrument and the instrument will then analyze what  
13 that substance is, a graph will then be printed out and we  
14 will check the different references to make sure what that  
15 graph looks like, if it compares to an actual controlled  
16 substance.

17 Another one we use is an FTIR and that sample,  
18 we take and just introduce that straight to a infrared light  
19 and we will then also get a graph and compare that to  
20 references as well.

21 MR. LEONARD: Judge, may I approach?

22 THE COURT: You may.

23 (Mr. Leonard and Mr. Martin whispering.)

24 Q. (BY MR. LEONARD) I'm going to show you what's been  
25 marked as -- I'm going to show you what's been marked as

1 State's Exhibit 33, 34, 31, 30 and 32. Would you take a  
2 look at those and tell me if you recognize those.

3 A. Yes. They each have our laboratory and HPD  
4 incident number, which is 139376311 and my handwritten  
5 initials at the time, which were M.M.

6 Q. Okay. And the baggages (sic) that they are  
7 contained in, are these baggages that your lab placed around  
8 these?

9 A. No. These are from the officer.

10 Q. Okay. But you've seen these before and you  
11 recognize them?

12 A. Yes.

13 Q. Okay. I want to talk to you a little bit about  
14 these particular exhibits. Did you perform testing on the  
15 contents of these exhibits?

16 A. Yes.

17 Q. All right. Let's start with State's Exhibit 30.  
18 Tell us about what you did with State's Exhibit 30.

19 A. State's Exhibit 30 is a ziploc containing a ziploc  
20 containing plant substance. And one of the tests for plant  
21 substance is a microscopic test and we just take a portion  
22 of the sample and we look for characteristics for marijuana  
23 and also we do a chemical screening test, as I had mentioned  
24 earlier. So, this ziploc is 3.83 ounces marijuana.

25 Q. And you were able to perform confirmatory tests on

1 it?

2 A. Yes.

3 Q. And you determined that State's Exhibit 30  
4 contained marijuana?

5 A. Yes.

6 Q. What was the weight of the -- I think you said it.  
7 What was the weight of the marijuana contained in State's  
8 Exhibit 30?

9 A. 3.83 ounces.

10 Q. What about State's Exhibit 32?

11 A. This also is a ziploc containing a ziploc  
12 containing plant substance and the weight is 8.88 ounces  
13 marijuana.

14 Q. What about State's Exhibit 32?

15 A. That was 32.

16 Q. Okay. I'm sorry. 33. Is it 33? I'm sorry.

17 MR. LEONARD: May I approach, Judge?

18 THE COURT: Sure.

19 Q. (BY MR. LEONARD) Okay. Let's talk about State's  
20 Exhibit 31. What did you do with 31? Let me ask you: Is  
21 marijuana a controlled substance?

22 A. Yes.

23 Q. Okay. And is it illegal to possess?

24 A. Yes.

25 Q. Okay. What exactly is a controlled substance?

1           A.    Controlled substance is anything listed in Penalty  
2 Groups 1 through 4 in the Texas drug laws.  Also Schedules 1  
3 through 5.  Yeah.

4           Q.    Okay.  Let's talk about State's Exhibit 31.  What  
5 did you do -- what tests did you perform on 31?

6           A.    31 is a ziploc containing a ziploc containing a  
7 white powder.  I performed a chemical screening test and a  
8 GCMS.  The weight is 200.4 grams, contains cocaine.

9           Q.    And what was the weight again?

10          A.    200.4 grams.

11          Q.    And is cocaine a controlled substance?

12          A.    Yes.

13          Q.    And does that include any adulterants and  
14 dilutants?

15          A.    Yes.

16          Q.    And what exactly are adulterants and dilutants?

17          A.    The adulterants and dilutants are substances that  
18 are added to a controlled substance to either increase the  
19 bulk quantity of that controlled substance or to increase  
20 its effect.

21          Q.    Give me an example of what would be a adulterant or  
22 dilutant.

23          A.    Okay.  Baby powder, benzocaine, lidocaine.

24          Q.    Baking soda, for example?

25          A.    Correct.



1 Q. What about State's Exhibit 33?

2 A. It is a ziploc containing torn bag containing a  
3 white powder and that also -- I did a chemical screening  
4 test and a GCMS, 2.1 grams, contains cocaine.

5 Q. All right. And again, does that include any  
6 adulterants and dilutants?

7 A. Yes.

8 Q. All right. And what about State's Exhibit 34?

9 A. Is a ziploc containing torn bag containing a white  
10 powder. It is 3.8 grams, contains cocaine.

11 Q. And does that also include any adulterants and  
12 dilutants?

13 A. Yes.

14 Q. What was the aggregate weight of all of the cocaine  
15 that you analyzed in this particular case?

16 A. I didn't bring my calculator with me.

17 *THE COURT:* Oh, here. Here's one.

18 *THE WITNESS:* Thank you.

19 A. It is 206.3 grams.

20 Q. (BY MR. LEONARD) Okay. So, over 200 grams?

21 A. Yes.

22 Q. And what was the aggregate weight of marijuana that  
23 you analyzed in this particular case?

24 A. 12.71 ounces.

25 Q. Okay. All right.

1 MR. LEONARD: Judge, may we approach quickly?

2 THE COURT: Sure.

3 (At the bench, on the record.)

4 MR. LEONARD: I guess, Judge, at this time, I  
5 know we talked about it, but I want to at least try to offer  
6 it because there were other drugs found inside the apartment  
7 as well, so --

8 THE COURT: Wait a minute.

9 MR. LEONARD: There were some pills and  
10 some -- basically some pills that were on the sofa found in  
11 the apartment.

12 THE COURT: Okay.

13 MR. LEONARD: So, I didn't know if I needed to  
14 try to go into those now or --

15 MR. MARTIN: Just some pills? I mean, is that  
16 it?

17 MR. LEONARD: Yeah.

18 MR. MARTIN: That's okay. I mean, it was  
19 there in the apartment when they ran the warrant?

20 THE COURT: Okay.

21 MR. LEONARD: I just wanted to approach  
22 before.

23 (End of discussion at the bench.)

24 MR. LEONARD: Judge, if I can have one second.

25 THE COURT: Okay.

1 Q. (BY MR. LEONARD) All right. I apologize. Okay.  
2 I want to show you what's been marked as State's Exhibit 44.  
3 Take a look at this and tell me if you've seen this before.

4 A. Yes, I have. It also has the same identifiers as I  
5 mentioned previously.

6 Q. All right. What about 45?

7 A. Yes.

8 Q. And 46?

9 A. Yes.

10 Q. And 47?

11 A. Yes.

12 Q. Okay. So, you recognize State's Exhibits 44  
13 through 47?

14 A. Yes, I do.

15 Q. And did you perform analysis on the items contained  
16 in State's Exhibit 44 through 47?

17 A. Yes.

18 Q. Okay. All right. Let's start with State's Exhibit  
19 44. Tell me about the test that you performed related to  
20 State's Exhibit 44.

21 A. 44 is a ziploc, the outer ziploc containing a  
22 ziploc that contains numerous tablets, white tablets, and a  
23 empty prescription bottle.

24 Q. Okay.

25 A. The ziploc containing the numerous tablets, I

1 performed a GCMS on it and also because they are  
2 pharmaceutical tablets, my second test was a pharmaceutical  
3 identification. It contains 89.6 grams of dihydrocodeinone.

4 Q. Okay. And what's a -- is there a common name or,  
5 like, a street name for the items contained in State's  
6 Exhibit 44?

7 A. Hydrocodone or Vicodin.

8 Q. Okay. Okay. What about -- and is that a  
9 controlled substance?

10 A. Yes.

11 Q. And is it illegal to possess?

12 A. Without a prescription, yes.

13 Q. Okay. What about State's Exhibit 45?

14 A. It is a ziploc containing a prescription bottle,  
15 which also contains numerous white tablets. I performed a  
16 Fourier Transform Infrared Spectrometer Test, FTIR, and a  
17 pharmaceutical identification. It contains 45.8 grams of  
18 carisoprodol.

19 Q. Is there another name for carisoprodol?

20 A. It's Soma.

21 Q. Is that a controlled substance?

22 A. Yes.

23 Q. And is it illegal to possess without a  
24 prescription?

25 A. Yes.

1 Q. Okay. What about 46?

2 A. It is a ziploc that contains a bottle and contains  
3 18 yellow tablets. I performed a GCMS and a pharmaceutical  
4 identification on it. It's 4.7 grams, contains alprazolam.

5 Q. Okay. And is there another name for alprazolam?

6 A. Xanax.

7 Q. And is that a controlled substance?

8 A. Without a prescription -- yes, it is a controlled  
9 substance.

10 Q. And is it illegal to possess?

11 A. Yes.

12 Q. Okay. And what about 47?

13 A. It is a ziploc containing a ziploc that contains 11  
14 tablets and crushed powder and I performed a chemical  
15 screening test and I did a GCMS on this. It is 5.3 grams,  
16 contains 1-(3-Trifluoromethylphenylpiperazine), which is  
17 TFMPP.

18 Q. Is there another more common name for that?

19 A. It is actually a designer drug which some people  
20 sell as ecstasy.

21 Q. Okay. And is it a controlled substance?

22 A. Yes.

23 Q. Is it illegal to possess?

24 A. Yes.

25 Q. All right.

1 MR. LEONARD: I pass this witness.

2 THE COURT: Mr. Martin.

3 **CROSS-EXAMINATION**

4 Q. (BY MR. MARTIN) Very quickly, Ms. Colca. When you  
5 talk about the cocaine, it's mixed in with other stuff,  
6 right?

7 A. Sometimes, yes.

8 Q. Was it mixed in with other stuff in these exhibits  
9 here?

10 A. The package -- I don't remember the State's exhibit  
11 number, but the one that weighs 204 grams, yes, there was  
12 another substance inside of that sample.

13 Q. Do you separate the two and weigh just the cocaine  
14 and the dilutant or adulterant or weigh it --

15 A. Weigh it together.

16 Q. The whole thing. Okay. Thank you, ma'am.

17 MR. MARTIN: We'll pass the witness, Your  
18 Honor.

19 THE COURT: Anything further?

20 MR. LEONARD: Nothing further from this  
21 witness.

22 THE COURT: May this witness be excused?

23 MR. LEONARD: Yes, Judge.

24 MR. MARTIN: Absolutely, Judge.

25 THE WITNESS: Thanks.