

1 THE COURT: All right. Be seated.

2 State, call your next witness.

3 MS. BARD: Your Honor, at this time, the

4 State calls Robert Daniel Collins to the stand.

5 THE COURT: All right. Go ahead.

6 MS. BARD: Thank you.

7 **ROBERT DANIEL COLLINS,**

8 having been first duly sworn, testified as follows:

9 **DIRECT EXAMINATION**

10 **BY MS. BARD:**

11 Q. Could you please introduce yourself to the
12 jury?

13 A. My name is Robert Collins.

14 Q. Do you normally go by Danny?

15 A. Yes, I do.

16 Q. Mr. Collins, tell us a little bit about what
17 you do for a living.

18 A. I'm a mechanic for the City of Houston Police
19 Department.

20 Q. And how long have you been with the City of
21 Houston Police Department as a mechanic?

22 A. Since May of 1998.

23 Q. And how long have you been a mechanic?

24 A. I've been a mechanic since 1990.

25 Q. And what got you interested into auto

1 mechanics?

2 A. I had a friend's dad that owned a used car lot
3 and I was needing a job for my ag co-op class and I went
4 to work with him. And I liked it so much while I was
5 working with him that I decided to continue and go into
6 college and take some college classes over being a
7 mechanic.

8 THE COURT: Sir, you need to stay a little
9 closer to the microphone, please.

10 THE WITNESS: Sorry.

11 THE COURT: That's all right.

12 Go ahead.

13 Q. (By Ms. Bard) Make sure you talk loud enough so
14 we can all hear you. Okay?

15 A. Okay.

16 Q. You said you went to college. Where did you go
17 to college?

18 A. I went to Angelina Junior College.

19 Q. Did you get a degree?

20 A. No. I got a certificate of completion for
21 automative and diesel technology.

22 Q. When did you complete your certificate for
23 automative and diesel technology?

24 A. I want to say it was around 1994.

25 Q. And do you hold any sort of master

1 certifications as a mechanic?

2 A. Yes. I'm master ASE certified for -- it's
3 Automative Service Excellency, is what it stands for.

4 Q. Is that a national certification?

5 A. Yes, it is.

6 Q. Are you a little nervous today?

7 A. Oh, very nervous.

8 Q. Do you normally ever testify in your job as a
9 mechanic for the City of Houston?

10 A. No, I do not.

11 Q. Okay. What level mechanic are you with the
12 City of Houston?

13 A. I'm classified as a mechanic III. They call me
14 a leader, but it's a mechanic III. There's no position
15 available for a leader.

16 Q. Okay. What would be the next level, what would
17 be the next step for you from mechanic III?

18 A. The next step for me from mechanic III would be
19 a shop manager.

20 Q. Are you a lead technician for the City of
21 Houston?

22 A. I'm a mechanic III for the City -- City of
23 Houston, but they -- my bosses and everybody puts me as
24 a lead technician.

25 Q. And do you handle any sort of special projects

1 for the City of Houston --

2 A. Yes.

3 Q. -- as a mechanic?

4 A. I'm sorry. Yes, I do.

5 Q. Okay. And what kind of special projects do you
6 handle?

7 A. I do the brake investigations for VCD.

8 Q. When you say "VCD," do you mean the Vehicular
9 Crimes Division?

10 A. Yes, I do.

11 Q. Were you asked, as one of your special projects
12 that you handle -- let me ask you this. How many
13 mechanics handle the special projects?

14 A. I'm the only one that I know of.

15 Q. Okay. Were you asked to do a special project
16 on a 2007 black Toyota Tacoma?

17 A. Yes, I did.

18 Q. Did that request come from the Vehicular Crimes
19 Division?

20 A. Yes, it did.

21 Q. When did you actually do that inspection?

22 A. August 4th, 2010.

23 Q. And about how long do you think your inspection
24 lasted of that vehicle?

25 A. A couple of hours, several hours.

1 Q. A couple to several?

2 A. Yes.

3 Q. I just want to make sure I heard you. Okay?

4 Where did you inspect the vehicle at?

5 A. 1300 Dart.

6 Q. What were the things or types of things that
7 you were asked to look at or inspect as a mechanic?

8 A. I was asked to check the brake system. I was
9 also asked to check the throttle system on it and the
10 tires. I'm sorry.

11 Q. It's okay.

12 All right. Let's talk a little bit about
13 the brake system first. Okay? Were you able to inspect
14 the brakes for the front part of the truck?

15 A. Yes.

16 Q. Were you able to inspect the brakes for the
17 rear wheels of the truck?

18 A. No, I was not.

19 Q. And why not?

20 A. The rear wheels on the vehicle -- the rear
21 brakes on the vehicle are drum brakes and I do not have
22 the tool to pull off the locks for the rims on the
23 vehicle. So, I was unable to look and see the actual
24 brakes themselves for the rear of the vehicle.

25 Q. About how much of the braking force is

1 distributed along the front and the back of a Toyota
2 truck?

3 A. About 70 percent of the braking force is done
4 through the front brakes.

5 Q. And you were able to look at the front brakes
6 of the Toyota truck?

7 A. Yes. I had to look through the rims, between
8 the hose of the rims to -- to be able to see the brake
9 pads because I had no key for the locks on the rims.

10 Q. Were you able to get a clear picture of the
11 braking -- the assembly and the system?

12 A. Yes.

13 Q. Did you look to see how much of the brake pad
14 was left on the truck?

15 A. The vehicle had approximately 80 percent of the
16 brake pad left.

17 Q. Is that good?

18 A. Yes, that's very good.

19 Q. Okay. Now, could you just describe, simply put
20 for the jury, how a braking system like this works for
21 the front brakes of this Toyota black truck?

22 A. Okay. Basically, when you step on your brake
23 pedal, you press down on the brake pedal and it pushes
24 on a metal rod that goes through the bulkhead of the
25 vehicle into a -- what they call a master cylinder.

1 Wait. It goes through the -- the power booster and then
2 it goes into the master cylinder. At the back of the
3 master cylinder, it goes into what they call -- it's a
4 cylinder and it's got a valve that pushes the brake
5 fluid and compresses the brake fluid that pushes it out
6 through the brake lines into the ABS pump, on this
7 particular vehicle, and then it distributes it out from
8 the ABS pump to all four different -- all four of the
9 wheels. And --

10 Q. That's pretty good.

11 Were you able -- do the rotors get involved
12 in braking?

13 A. Yes, they do.

14 Q. Could you briefly describe how the rotors are
15 involved with braking?

16 A. When it comes out of the ABS pump, it goes down
17 into -- the front wheels have brake calipers, which has
18 a metal piston in there, which presses in on the pads.
19 And, basically, you've got your rotors running in the
20 middle. And the pads are on the outside and the inside.
21 And when the piston presses on the inside, it pulls the
22 two pads together, and, basically, just puts a
23 tremendous force holding on against the rotor itself.
24 And that's what -- that's what makes the vehicle stop.

25 Q. Did you have a chance to look at the front

1 rotors of the black truck?

2 A. Yes.

3 Q. And did they appear normal or how did they
4 appear to you?

5 A. They appeared a little rough, but normal.

6 Q. When you say "a little rough," is that just
7 normal wear and tear?

8 A. Yes, it is.

9 Q. Did you have a chance to look at the master
10 cylinder?

11 A. Yes, I did. I visually inspected the master
12 cylinder. I saw no signs of it leaking and the brake
13 fluid level was full.

14 Q. You said that this vehicle had antilock brakes
15 and that there's a pump, like assembly that goes with
16 that?

17 A. Yes.

18 Q. Were you able to inspect that?

19 A. Yes.

20 Q. Did that look normal and okay to you?

21 A. Yes, it did.

22 Q. So, based on everything that you observed for
23 the front brake system of the black Toyota truck, the
24 brake pads, the rotors, the master cylinder, the pump
25 assembly for the antilock brakes, did everything appear

1 to be working normally?

2 A. Yes, it did.

3 Q. Now, you said you also had to do an inspection
4 of the tires?

5 A. Yes.

6 Q. Are you okay?

7 A. Yes.

8 Q. All right. What were you -- what was your
9 inspection of for the tires?

10 A. I checked the tread depth for the vehicle's
11 tire system.

12 Q. And why is tread depth important?

13 A. It -- it makes -- it makes the ability for the
14 vehicle to stop with the tires. The more tread depth
15 there is, the better the ability the vehicle has to
16 stop.

17 Q. Is there a minimum number or a requirement for
18 a state inspection for your tread depths?

19 A. Yes. It has to be three-thirty-seconds or
20 better for it to pass.

21 Q. Did you use some sort of tool or device to
22 measure the tread depth for the defendant's black Toyota
23 truck?

24 A. Yes, I did.

25 Q. And how many of the tires would have passed the

1 state inspection?

2 A. Three out of the four.

3 Q. Which tire would not have passed the state
4 inspection?

5 A. The right rear.

6 Q. And was it close or was -- it had no tread
7 depth or how was it?

8 A. It was two-thirty-seconds tread depth.

9 Q. So, just underneath state inspection
10 requirements?

11 A. Yes.

12 Q. Okay. Now, you said you also had to inspect
13 the throttle system?

14 A. Yes.

15 Q. Okay. Can you briefly describe for the jury
16 what you mean by the throttle system?

17 A. Basically, it's containing the gas pedal that
18 you step on inside the vehicle and a -- a mechanical --
19 like a motor -- electronic motor that allows the air
20 going into the engine. This particular vehicle is
21 electronic. It was not a cable like the older type
22 vehicles where they had just a manual cable attached to
23 your gas pedal. And I saw nothing wrong with the
24 vehicle's throttle system at that point.

25 Q. Now, I want to talk to you a little bit about

1 manual transmission vehicles. Was the black Toyota
2 truck, the defendant's truck, was that a manual
3 transmission vehicle?

4 A. Yes, it was.

5 Q. And if I understand manual transmission
6 vehicles, it's got a clutch, a brake pedal, and a gas
7 pedal. Is that correct?

8 A. It's a got a gas pedal, brake pedal, then
9 clutch.

10 Q. Okay. If someone's engine is revving to the
11 point that they're having a hard time controlling the
12 vehicle, is it possible to shut the vehicle off and
13 prevent that engine from revving in a manual
14 transmission?

15 A. Yes.

16 Q. How would you do that?

17 A. You can turn the ignition key off.

18 Q. It's that simple?

19 A. That simple.

20 Q. Okay. Is it possible to choke the engine to
21 the point that it would just die?

22 A. Yes. All they'd have to do was step on the
23 brake and at some point the engine is going to be --
24 you're going to slow it down enough that it's actually
25 going to just die out on you.

1 Q. So, all I have to do is press on the brake and
2 even though my engine is revving, I'm just going to
3 choke my engine out and it will die eventually?

4 A. Yes, it will.

5 Q. Okay. And is it possible to just -- using the
6 clutch and just the clutch to take power away from the
7 transmission and the engine?

8 A. Just using the clutch will take the power away
9 from the transmission, yes, it would.

10 Q. So, if I just depressed the clutch, but I
11 didn't turn the key off and I didn't hit the brake,
12 would that eventually cause the vehicle to stop?

13 A. Yes, it would.

14 Q. Would any combination of those three things
15 cause the vehicle to stop, even if the engine was
16 running?

17 A. Yes, it would.

18 Q. Okay. Now, you also inspected what's called a
19 tie rod; is that correct?

20 A. Yes, I did.

21 Q. Okay. And on the vehicle, the defendant's
22 truck, the right outer tie rod was broken in this case,
23 was it not?

24 A. Yes, it was.

25 MS. BARD: Your Honor, may I approach the

1 witness?

2 THE COURT: Yes.

3 Q. (By Ms. Bard) I'm going to have you look at
4 State's 86 through 99 and just silently flip through
5 those for me for a second (indicating).

6 A. (Witness complies).

7 Q. Looking at State's 86 through 99, are these all
8 pictures of the defendant's truck showing either the
9 truck itself or the tie rod assemblies?

10 A. Yes, it is.

11 Q. Do they fairly and accurately show the truck
12 and the tie rod assemblies as you saw them during your
13 inspection?

14 A. Yes, it is.

15 Q. Okay. Now, I want you to take a look at
16 State's 100 through 103 (indicating).

17 A. (Witness complies).

18 Q. And are these four photos of the
19 complainant's -- or the gold truck that was involved in
20 this crash as you saw them during your inspection of the
21 defendant's vehicle?

22 A. Yes, it is.

23 Q. And do they fairly show what you saw during the
24 whole inspection?

25 A. Yes, it is.

1 MS. BARD: Your Honor, at this time the
2 State would offer into evidence State's 86 through 103
3 and tenders to opposing counsel for objection.

4 **(State's Exhibit No. 86 through 103**
5 **Offered)**

6 MS. BECK: Can I have a second, Your Honor?

7 THE COURT: Sure.

8 (Pause)

9 MS. BECK: No objection to State's Exhibits
10 86 through 99 or 100 through 103.

11 THE COURT: All right. State's 86 through
12 103 are admitted.

13 **(State's Exhibit No. 86 through 103**
14 **Admitted)**

15 Q. (By Ms. Bard) Going through the photos here and
16 the examination of the tie rods, looking at State's 86,
17 what are we looking at here (indicating)?

18 A. That's the black Toyota Tacoma that I had
19 inspected.

20 Q. Now, I notice that there's some writing on the
21 window right here, VCD (indicating). Does that stand
22 for the Vehicular Crimes Division?

23 A. Yes, it does.

24 Q. There's a number below it. Do you know what
25 that number is for?

1 A. No, I do not.

2 Q. Then it says "no keys." Is that pretty common
3 out there in the Dart lot?

4 A. Yes, it is.

5 Q. Okay. What are we looking at here in State's
6 87 (indicating)?

7 A. This is the front end of the black Toyota
8 Tacoma that we looked at when me and yourself went out
9 to the Dart lot and re-looked at the tie rod end.

10 Q. In fact, I asked you go to out with me to kind
11 of explain to me what the tie rod and how that all
12 kind -- that system works and what it looked like on
13 this vehicle, right?

14 A. Yes, you did.

15 Q. Okay. And we took some photos while I was out
16 there?

17 A. Yes.

18 Q. In fact, let's scroll a little bit into State's
19 87. That's me standing right over there (indicating)?

20 A. Yes, it is.

21 Q. I want to flip to State's 96. What are we
22 looking at here in State's 96 (indicating)?

23 A. This is the left front tie rod end and wheel
24 assembly.

25 Q. And is the left front tie rod and wheel

1 assembly properly put together, it's working fine; as
2 far as you can tell there's nothing wrong with it?

3 A. Yes, it is.

4 Q. Okay. State's 97 is just kind of a closer-up
5 version of that. Is that fair (indicating)?

6 A. Yes.

7 Q. And then State's 98 is simply a closer-up
8 version of what is a working tie rod assembly
9 (indicating)?

10 A. Yes.

11 Q. And in State's 99 it's even closer-up
12 (indicating)?

13 A. Yes.

14 Q. Can you explain for the jury what it is that
15 we're looking at here in State's 99 with a working tie
16 rod (indicating)?

17 A. The mechanical -- the tie rod is the mechanism
18 that steers the wheels when you make turns.

19 Q. And if I understand correctly, the tie rod is
20 this sort of piece down here at the bottom that's got
21 some kind of screws, it's white and it's rounded at the
22 end (indicating)?

23 A. Yes.

24 Q. Okay. And that has -- and correct me if I'm
25 wrong. It has a cup kind of inside of it that fits onto

1 like a bolt or a nut or a bolt of some sort, it just
2 kind of cups up onto it, right?

3 A. Yes. It's got a -- basically, it has --
4 there's a stud that comes through here and then it's got
5 a metal ball that sits down inside this cup here. And
6 this runs up through the steering knuckle like this and
7 then it's got a nut that goes across here and the
8 steering knuckle is right through the center here. This
9 is all of the steering knuckle down here. And this is
10 what they call the outer tie rod end (indicating).

11 Q. Now, if you could clear that for me for a
12 second.

13 A. (Witness complies).

14 Q. That's what a good-looking tie rod, outer tie
15 rod should look like, what we see here in State's
16 Exhibit 99 (indicating)?

17 A. Yes.

18 Q. Okay. Now, the front right tie rod, you said,
19 was broken based on your inspection, correct?

20 A. Yes.

21 Q. Okay. Looking at State's 88, can you point for
22 the jury what is broken, what they should be looking at
23 (indicating)?

24 A. This is the ball and stud for the tie rod end
25 and this is the cup for the tie rod end. And this part

1 here is the steering knuckle for the tire assembly
2 (indicating).

3 Q. Looking at State's 89 -- could you clear that
4 for me?

5 A. I'm sorry.

6 Q. Looking at State's 89, is that simply a
7 closer-up picture of what we just saw (indicating)?

8 A. Yes, it is.

9 Q. Okay. If we get closer into State's 90, what
10 are we looking at here (indicating)?

11 A. You're looking at the -- this is the stud with
12 the ball at the bottom of it that should be sitting
13 inside the cup of the outer tie rod end. And this
14 particular piece is actually bent. It should be more
15 like this, straight (indicating).

16 Q. So, it's bent to the right --

17 A. It's bent towards the inside of the vehicle.

18 Q. Okay. And if I notice, if we get in a little
19 bit closer here on State's 90, this sort of screw, not
20 on top of the circle, on top of the bolt, the screw, the
21 nut, and there's a pin that runs through it, that's all
22 still functioning (indicating)?

23 A. Yes, it is.

24 Q. Okay. And looking at State's 91, is that
25 simply a closer version of the crooked, if you will --

1 I'm sorry. What are we calling that?

2 A. The stud and the ball.

3 Q. The stud and the ball?

4 A. Yes.

5 Q. Okay. And looking at 92, is this a better
6 picture of what you meant by the stud and the ball not
7 being at the right angle (indicating)?

8 A. Yes, it is.

9 Q. Could you do that drawing again so the jury can
10 see what angle it should be at?

11 A. It should be at this angle here (indicating).

12 Q. Now, when we look at State's 93 -- if you could
13 clear that for me.

14 A. (Witness complies).

15 Q. -- there's part of like the tie rod with this
16 sort of yellow cupping at the end here (indicating).
17 How is that relevant? How is that important to the tie
18 rod assembly?

19 A. That is the cup that this ball right here fits
20 into. And it sets down inside this cup that holds -- it
21 holds it all together (indicating).

22 Q. If you could clear that for me.

23 A. (Witness complies).

24 Q. Is this simply a closer-up picture of that tie
25 rod cup that we were talking about (indicating)?

1 A. Yes, it is.

2 Q. In looking at State's 96, that's even a
3 closer-up picture, is it not (indicating)?

4 A. Yes, it is.

5 Q. Now, I notice 95, the cup seems to be sort of
6 warped, sort of like the metal is kind of half sticking
7 up and half of it is sort of smooth versus the -- can
8 you describe that for the jury, what they're looking at
9 (indicating)?

10 A. Yes. This is where -- the metal ball is
11 sitting down in here. When the ball came out of this
12 socket, it bent this metal edge around it when it came
13 through it.

14 Q. Now, looking at the tie rod assembly, like here
15 in State's 94, did you see any indication to you that
16 the tie rod had been dragged along the ground
17 (indicating)?

18 A. No, I did not.

19 Q. Okay. And looking a little bit closer to
20 State's 95, did you see anything when you inspected
21 it -- I know it's kind of hard to see here -- any sort
22 of normal wear and tear that you would expect to see
23 from a tie rod (indicating)?

24 A. No. I saw that all the yellow part in here,
25 the cup, was in good condition (indicating).

1 Q. Is it possible for a tie rod to come off of
2 that stud and that bolt while driving down the road?

3 A. It's possible.

4 Q. Do you have an opinion as to whether or not the
5 tie rod for the front right tire in this case came off
6 prior to the crash, during the crash, or after the
7 crash?

8 A. I believe it came off during the crash.

9 Q. Let's talk about why you believe that. Based
10 on what we see here in State's 95, and everything that
11 we've seen from State's 86 on, why do you believe that?

12 A. For two reasons. This metal part here should
13 be more of a smooth part like this is (indicating).
14 And, also, the stud, this stud here, should be straight
15 and not bent. When it -- when the force of the accident
16 happened, it caused this -- this stud bent enough that
17 it put enough pressure to pull the ball out of the cup
18 for the tie rod end.

19 Q. And did I have you take a look at the
20 complainant's vehicle as part of this sort of analysis?

21 A. Yes, you did.

22 Q. Okay. Looking at State's Exhibit 100, is this
23 the gold vehicle that I had you take a look at
24 (indicating)?

25 A. Yes, it is.

1 Q. And if we look at State's 101, what part of the
2 truck are we looking at here (indicating)?

3 A. The left rear quarter panel.

4 Q. If I zoom in on State's 101, I notice some sort
5 of black smudging near -- on the gold near the tire.
6 Did you have a chance to look at that black smudge
7 (indicating)?

8 A. Yes, I did.

9 Q. And if we look at it here in 102, is that
10 simply a closer-up picture (indicating)?

11 A. Yes, it is.

12 Q. And looking at State's 103, is that even more
13 closer (indicating)?

14 A. Yes, it is.

15 Q. What was that black smudge?

16 A. That black smudge is from the right -- it's
17 from a tire rub, from a tire hitting the edge of that
18 vehicle.

19 Q. Okay. So, based on what you saw of the gold
20 truck, based on the damage that you saw of the black
21 truck, do you believe that the tie rod came apart as
22 those two vehicles' tires, basically, were coming
23 together?

24 A. It came apart due from the colliding of the two
25 tires.

1 Q. Now, did I have you take a look at -- well, I
2 didn't actually, but you yourself inspected any sort of
3 recalls for this kind of vehicle, correct?

4 A. Yes, I did.

5 Q. Okay. And what kind of recalls were there, if
6 any, that existed for the black truck of the defendant?

7 A. There was a floor mat recall.

8 Q. And what was the issue with the floor mat?

9 A. They said that the floor mat was bunching up
10 and causing the gas pedal to stick.

11 Q. Let me show you some photos that have already
12 been admitted. Looking at State's Exhibit No. 65, this
13 is a picture of the black truck as it was at the scene,
14 do you see the floor mat there on the driver's side
15 (indicating)?

16 A. Yes, I do.

17 Q. Does it look like in any way that it's
18 interfering with the throttle?

19 A. No, it does not.

20 Q. If we look at State's 66, is that a clearer
21 picture (indicating)?

22 A. Yes, it is a lot clearer.

23 Q. And looking at State's 67, is
24 that (indicating) --

25 A. Yes.

1 Q. Looking at State's 69, is that a clearer
2 picture (indicating)?

3 A. Yes.

4 Q. All right. So, based on the recall of the
5 Toyota truck floor mat, but based on the pictures that
6 you see here of the truck at the scene, do you believe
7 that the floor mat had anything to do with the cause of
8 this crash?

9 A. No, I do not.

10 MS. BARD: Pass the witness, Your Honor.

11 THE COURT: Ms. Beck.

12 MS. BECK: Yes, Your Honor.

13 **CROSS-EXAMINATION**

14 **BY MS. BECK:**

15 Q. Good afternoon, Mr. Collins.

16 A. Good afternoon.

17 Q. My name is Michelle Beck. I'm just going to
18 ask you a few questions about your testimony.

19 You stated that you did an inspection of
20 the black Tacoma involved in this accident; is that
21 correct?

22 A. Yes.

23 Q. Do you recall what day you did that inspection?

24 A. Which part?

25 Q. The initial.

1 A. The initial?

2 Q. Uh-huh.

3 A. I looked at it on August 4th, 2010.

4 MS. BECK: May I approach the witness, Your
5 Honor?

6 THE COURT: Yes.

7 Q. (By Ms. Beck) I want to show you what's been
8 previously marked as Defense Exhibit No. 8 and ask you,
9 do you recognize that (indicating)?

10 A. Yes, I do.

11 Q. How do you recognize it? Is your signature
12 anywhere on that?

13 A. Yes, it is.

14 Q. Is that basically a summary of the inspection
15 that you did back -- I see a day here of August 6th of
16 2010, but you're saying that you did the inspection on
17 August 4th of 2010, correct?

18 A. Yes, I am.

19 Q. All right. And this report is basically
20 something that you put together so that -- I think you
21 said this was your first time actually having to come to
22 court and testify, but just so other officers can see
23 what your findings are or just basically to document the
24 findings that you have when you do an inspection,
25 correct?

1 A. I'm not understanding what you're saying. I'm
2 sorry.

3 Q. All right. You do a report to kind of record
4 everything that you observed during your inspections,
5 right?

6 A. Yes.

7 Q. All right. And it was helpful in you preparing
8 to come to testify today, correct?

9 A. Yes.

10 Q. You looked at that report, kind of refreshed
11 your memory about what you observed on August 4th of
12 2010, correct?

13 A. Yes.

14 Q. Also, it's useful for the other officers in the
15 VCD division when they're putting together their final
16 reports to be able to see what your findings were,
17 correct?

18 A. As far as I know, yes, ma'am.

19 Q. Okay. And you admitted that one of your
20 special projects is working with the Vehicular Crimes
21 Division of HPD, right?

22 A. I'm -- I'm issued a letter asking me to inspect
23 the vehicles.

24 Q. Okay. And so, when they ask you to inspect the
25 vehicles, I think when you were talking to Ms. Bard, you

1 stated that they wanted you to look at three specific
2 areas, correct?

3 A. Yes.

4 Q. One was the brake system?

5 A. Yes.

6 Q. The tires?

7 A. Yes.

8 Q. And then the other was the tie rod, correct?

9 A. Yes.

10 Q. All right. And Ms. Bard came over --

11 A. I'm sorry. I misspoke. It wasn't the tie rod.
12 It was the throttle system.

13 Q. The throttle system.

14 Okay. And that's reflected in your report,
15 correct?

16 A. Yes.

17 Q. Okay. You do refer to the tie rod in that
18 report, correct?

19 A. Yes.

20 Q. All right. And you stated that your
21 inspection -- your initial inspection was anywhere from
22 a couple of hours all the way up to several hours,
23 correct?

24 A. Yes.

25 Q. How many hours, just on your best recall --

1 because, I mean, unless you note it somewhere in a
2 logging system or whatever. How long total would you
3 best guesstimate that you spent on inspecting that
4 vehicle?

5 A. I would say somewhere probably two to three
6 hours.

7 Q. Two to three hours?

8 A. Yes.

9 Q. Is that a longer inspection or is that towards
10 the shorter end of inspections as far as, you know,
11 what's normal for you?

12 A. It depends on vehicle-to-vehicle, ma'am.

13 Q. Okay. On this particular vehicle, what was the
14 majority of time that you initially spent on the -- on
15 the inspection? What took the longest to look at?

16 A. I do not remember.

17 Q. Okay. You stated that you had to do the
18 braking systems, the brakes. So, that's four different
19 brakes, correct?

20 A. Yes.

21 Q. And then you also had to measure the tire
22 tread, correct?

23 A. Yes, I did.

24 Q. And then you also had to consider the third
25 thing, which was the throttle system, correct?

1 A. Yes.

2 Q. Is that kind of a lengthy process?

3 A. It can be or it cannot be.

4 Q. Okay. To the best of your recollection, which
5 was it on this particular truck?

6 A. On the throttle system, ma'am?

7 Q. Uh-huh.

8 A. The throttle system was not a very lengthy part
9 of it because the battery had been cut while -- I guess
10 at the accident scene. It was cut when I arrived at the
11 Dart lot.

12 Q. Okay. And, basically, with regard to the tie
13 rod, that only took -- I mean, the inspection that you
14 did on that initially was very short, correct?

15 A. The initial inspection?

16 Q. Correct, back in August of 2010.

17 A. I would say 15, 20 minutes because I looked at
18 the entire steering system.

19 Q. All right. So, not a long period based on the
20 overall amount of time that you're telling us you spent,
21 two to three hours, correct?

22 A. Yes.

23 Q. Fifteen minutes out of two to three hours,
24 correct? Is that correct? I need you to speak up.

25 A. Yes.

1 Q. Okay. So, then at some point, the State comes
2 back out there and they ask you to look at it again,
3 correct?

4 A. They asked me to look at it a little bit more
5 in depth, yes.

6 Q. Okay. And so, initially, in your original
7 report, your only findings with regard to the tie rod
8 was that the front right outer tie rod end was broken,
9 correct?

10 A. Yes.

11 Q. No findings or no documentation that, you know,
12 it was -- it was bent and this was due to the accident,
13 none of that information, correct?

14 A. Yes.

15 Q. Now, when you -- when you're doing the second
16 inspection, Ms. Bard is out there, who else is out there
17 as well? Anybody from VCD?

18 A. Yes, there was.

19 Q. Who was it?

20 A. I believe the officer's name is Charlie
21 Lofland, Lofland.

22 Q. Was Officer Egdorf out there?

23 A. No, I do not remember seeing him out there.

24 Q. Okay. You don't remember seeing him?

25 MS. BECK: May I approach the podium, Your

1 Honor?

2 THE COURT: Okay.

3 Q. (By Ms. Beck) At what point did you -- I mean,
4 you knew it was a vehicular crimes case. At what point
5 did you become aware that this was an intoxication
6 manslaughter case?

7 A. They -- VCD usually gives me a -- a copy of the
8 accident report.

9 Q. Okay.

10 A. I guess that's what you call it.

11 Q. Right. When did they do that?

12 A. When they ask for me to do the inspections.

13 Q. Was that the initial inspection?

14 A. Yes.

15 Q. In 2010 of August, or was it when Ms. Bard came
16 out there?

17 A. The initial inspection.

18 Q. And did I ask you this -- I might have and I
19 apologize if I have -- when did she come out there and
20 ask you to do the second inspection?

21 A. Who, ma'am?

22 Q. The prosecutor.

23 A. She didn't come out there to ask me to do the
24 second inspection.

25 Q. When did she come out there and observe you to

1 do a second inspection?

2 A. I want to say it was August 30th, I believe.

3 Q. Of 2010, 2011?

4 A. 2012.

5 Q. Okay. So, just this past August in preparation
6 for trial, correct?

7 A. Yes.

8 Q. All right. And this is when, as is reflected
9 in State's Exhibit No. 87, you-all actually lift up the
10 vehicle, correct?

11 A. We lifted the front end of the vehicle up, yes.

12 Q. Okay. And this is initially when you go into a
13 more in depth, if you will, examination of the tie rod,
14 correct?

15 A. Yes.

16 Q. Okay. How long would you say you spent out
17 there with her looking at the tie rod during the second
18 inspection?

19 A. I don't remember.

20 Q. Well, just tell me best guesstimate. More than
21 15 minutes, I'm sure.

22 A. Probably 10, 15, 20 minutes, something like
23 that. I'm not a hundred percent sure.

24 Q. All right.

25 MS. BECK: May I approach the witness, Your

1 Honor?

2 THE COURT: Okay.

3 Q. (By Ms. Beck) May I show you what's been marked
4 as Defense Exhibits Nos. 1 through 7. Just ask you if
5 you look at them, just look at them through -- you know,
6 take your time. Look at them and ask me do they -- do
7 they fairly and accurately represent Ms. -- the black
8 Tacoma involved in this incident that you inspected
9 (indicating)?

10 A. I can see that this is a black vehicle.

11 Q. Okay.

12 A. This looks like the vehicle.

13 Q. Okay. All right. And, in fact, in Defense
14 Exhibit No. 1, there is a case number or a cause number.
15 Ms. Bard showed you a similar picture of the vehicle
16 with the same case number that's reflected in your
17 report, correct (indicating)?

18 A. I'd have to verify the numbers. I'm not sure.

19 Q. Did you bring it with you?

20 A. Yes, I brought my --

21 Q. Okay. Can you take a second, please, and
22 verify that that is the same vehicle?

23 A. All the numbers were right except for the -G.

24 Q. Okay. But, basically, it's the same cause
25 number, correct?

1 A. If that's what they call that number. I don't
2 know what they call that number, ma'am.

3 MS. BECK: Your Honor, at this time, the
4 defense would offer into evidence Defense Exhibits 1
5 through 7 and tender them into evidence, if there's no
6 objection.

7 **(Defense Exhibit No. 1 through 7 Offered)**

8 MS. BARD: No objection, Your Honor.

9 THE COURT: Defense 1 through 7 are
10 admitted.

11 **(Defense Exhibit No. 1 through 7 Admitted)**

12 MS. BECK: May I publish them to the jury,
13 Your Honor?

14 THE COURT: Okay.

15 Q. (By Ms. Beck) I want to focus for a moment on
16 Defense Exhibit No. 2. And I want to ask you, if you
17 will, press on the screen and show in this particular
18 photograph where is the tie rod (indicating).

19 A. This is the outer tie rod (indicating).

20 Q. Okay. And so, according to your own report,
21 when you describe in one sentence or make reference to
22 the tie rod in your initial inspection, that the tie rod
23 is bent, what part are you talking about actually having
24 been bent?

25 A. Ma'am, I didn't say that it was bent.

1 Q. Okay. What did you specifically say?

2 A. I said it was broken.

3 Q. Broken.

4 Okay. So, where is it actually -- when
5 you're referring to that as broken, where exactly are
6 you talking about? Is it any part reflected on this
7 area (indicating)?

8 A. This part of it right here is missing, the stud
9 and the ball part of it (indicating).

10 Q. Okay. So, in using the term "broken," you're
11 talking about the fact that it's actually not there?

12 A. It's not together like it should be.

13 Q. All right. Well, let me ask you this.

14 Hypothetically, in driving a vehicle where the tie rod
15 end is broken, what is that going to do to someone's
16 steering, ability to steer that vehicle?

17 A. It would cause them not to be able to steer it
18 the direction that he wanted to go.

19 Q. Okay. Would it possibly lose -- result in them
20 actually losing control, if you will?

21 A. If -- hypothetically speaking, yes, it could.

22 Q. Okay. And if you can't steer and if you lose
23 control, do you -- I mean, basically, lose control of
24 steering, do you have control of the vehicle?

25 A. Hypothetically speaking, if you lose control of

1 the steering, no, you would not have control of the
2 vehicle.

3 Q. I want to talk to you about the condition of
4 the tires. In Defense Exhibit No. 3, we see the left
5 front tire. Can you see that photo? It looks like
6 there's a streak down the middle of it. That white
7 streak down the middle, what is that (indicating)?

8 A. I have no idea, ma'am.

9 Q. Okay. So, you're not able to tell if that's
10 some type of marking that was done out there? I mean,
11 did you put that -- it looks like maybe a chalk mark or
12 a paint mark. Do you have any idea how that got there?

13 A. No, I do not.

14 Q. Is that something that you would have done in
15 your inspection?

16 A. No.

17 Q. Okay. All right. So, with regard to the -- I
18 want you to look at Defense 3 and then Defense 4. And I
19 want to -- I want to talk to you a little bit about the
20 placement of that tire with regard to the rim. Are you
21 able to see on either of these photos? I can put
22 another one back up.

23 A. No, I can't see what you're talking about.

24 MS. BECK: May I approach the witness, Your
25 Honor?

1 THE COURT: Okay.

2 Q. (By Ms. Beck) Let the record reflect that I am
3 showing -- trying to do it up close, with regard to the
4 tire and its location on the rim (indicating).

5 A. Okay.

6 Q. All right. What can you tell us about -- about
7 what you observe in Defense Exhibits 3 and 4?

8 A. Are you talking about the tire itself?

9 Q. Correct. Is it on the rim completely?

10 A. No, it's not.

11 Q. Okay. How would you describe it in your
12 professional opinion?

13 A. It looks like it's bent over at the bottom.

14 Q. Okay. Does it look like it's flat or deflated?

15 A. Yes, it does.

16 Q. Okay. So, when we talk about a blow-out in
17 common everyday layman's terms, does this -- the
18 condition of this tire look like it would be consistent
19 with a blow-out (indicating)?

20 A. I'm not sure, ma'am.

21 Q. Okay. Well, is it possible, "yes" or "no"?

22 A. It's possible, but -- it's possible that it
23 could blow out.

24 Q. Okay. And with regard to Defense Exhibit
25 No. 5, this is an airbag that's been deployed, correct

1 (indicating)?

2 A. Yes, it does look deployed.

3 Q. All right. Did you have an opportunity to look
4 inside of the vehicle and make observations about it or
5 did you just focus on the things that VCD and the State
6 asked you to look at?

7 A. I just took a glance inside of the vehicle,
8 ma'am.

9 Q. With regard to the actual tie rod, how much
10 does that weigh?

11 A. I'm not a hundred percent sure, ma'am, how much
12 it weighs.

13 Q. Okay. If we can't have a hundred percent, tell
14 me your best guesstimate.

15 A. Maybe a pound or two.

16 Q. A pound or two?

17 A. At the most.

18 Q. Okay. Kind of a light -- I mean, it's not
19 anything that's of extreme heaviness, correct? Very
20 light?

21 A. It's made of steel.

22 Q. Okay. And is there any type of rubber that
23 goes around -- we talked about the stud and the ball and
24 how it fits inside of the cup.

25 A. Yes.

1 Q. Okay. Is there any type of rubber lining
2 that's around that stud and ball?

3 A. There's a like grease seal that sits between
4 the steering knuckle and the tie rod end.

5 Q. Okay. And was that present when you did the
6 second inspection of the tie rod?

7 A. I do not remember.

8 Q. I'm going to show you -- zoom in without there
9 being a glare.

10 MS. BECK: May I approach the witness? It
11 might be easier --

12 THE COURT: Okay.

13 MS. BECK: -- for him to see it up close.

14 Q. (By Ms. Beck) I'm showing you State's Exhibit
15 Nos. 90, 88. Would either of those assist you in
16 showing us where the rubber seal would be (indicating)?

17 A. I see like the metal snap -- the metal ring
18 that holds it down at the bottom, but I can't tell a
19 hundred percent sure that that's the grease seal itself.

20 Q. Okay. But there is a grease seal that should
21 be present, correct?

22 A. There should be a grease seal.

23 Q. Okay. How important is that seal as far as
24 keeping everything -- keeping that ball sitting down in
25 that cup area?

1 A. The grease seal keeps the grease inside and
2 keeps the vast majority of the dust and dirt from
3 getting inside of that joint.

4 Q. Okay. Is it -- I mean, it's there, so is it
5 relevant? Is it important?

6 A. It has a duty, yes.

7 Q. Did you prepare any type of supplement with
8 regard to your findings on the second inspection?

9 A. No, I did not.

10 Q. You talked about -- just briefly. You talked
11 about having an opinion as to whether or not -- whether
12 or not the tie rod was affected due to impact or from
13 being in a collision with the complainant's vehicle. Do
14 you remember that statement?

15 A. Yes.

16 Q. Okay. And, basically, you stated that it was
17 basically affected as a result of the crash, correct?

18 A. I believe it was affected -- it was the result
19 of the crash, yes.

20 Q. Okay. But it's possible that something else
21 could have caused it, correct?

22 A. Anything is possible.

23 Q. All right. Well --

24 A. But not likely.

25 Q. Okay. Well, I'm talking about possibilities

1 right now because you don't know what the vehicle -- the
2 black Tacoma, what instances it had been involved to --
3 prior to the accident with the complainant's vehicle,
4 correct?

5 A. Right.

6 Q. What are some of the things that possibly could
7 have caused the damage to that tie rod?

8 A. I -- I have no idea.

9 Q. Well, I mean, you're -- you've got what, 19
10 years of training. Is it possible in hitting a curb --

11 A. Yes, it's possible.

12 Q. -- at a significant force? Every day running
13 up on a curb hitting that curb, would that possibly
14 cause damage to it?

15 A. Yes, it possibly could.

16 Q. And so, you can't rule that out conclusively,
17 can you?

18 A. I would believe you'd see damage to the rim and
19 you'd see damage to the plastic cup inside that socket.

20 MS. BECK: I pass the witness, Your Honor.

21 THE COURT: Ms. Bard.

22 MS. BARD: Briefly, Your Honor.

23 **REDIRECT EXAMINATION**

24 **BY MS. BARD:**

25 Q. All right. The defense counsel asked you a

1 couple of questions about a blow-out. Do you believe
2 that the tire was flattened and unseated from the rim as
3 a result of the crash or do you think that happened
4 before the crash?

5 A. I think it happened as a result of the crash.

6 Q. And if -- she was asking you some questions
7 about if the tie rod end was broken, you could lose --
8 hypothetically, you could lose the ability to control
9 the vehicle. Do you remember that?

10 A. Yes.

11 Q. If the right tie rod is broken like it was in
12 this case, but the left tie rod is still working, would
13 you still have control over the left tire?

14 A. Yes, you would still have some control over the
15 left tire.

16 Q. It might be a little harder with the steering,
17 but you would --

18 MS. BECK: I'm going to object, Your Honor,
19 to leading.

20 THE COURT: Sustained. Do not lead the
21 witness.

22 Q. (By Ms. Bard) Would it be possible to still
23 steer a vehicle if one tie rod is broken and the other
24 one is not?

25 A. You would be able to steer it somewhat, but not

1 as accurate as you could if both tie rod ends were
2 attached.

3 Q. Do you believe the tie rod broke free from that
4 nut and socket and bolt because it hit a curb?

5 MS. BECK: Objection, Your Honor --

6 MS. BARD: I'm asking if he believes it,
7 Your Honor.

8 MS. BECK: Just wanted to be able to finish
9 my objection. Asked and answered.

10 THE COURT: Overruled.

11 You may answer that question, sir.

12 A. I believe the tie rod end broke because of the
13 accident.

14 MS. BARD: Pass the witness, Your Honor.

15 THE COURT: Ms. Beck.

16 MS. BECK: Nothing further, Your Honor.

17 THE COURT: You may step down, sir.

18 Call your next witness.

19 MS. BARD: Your Honor, at this time, the
20 State calls Officer Trey Cox to the stand.

21 THE BAILIFF: The witness has been sworn.

22 THE COURT: All right. Go ahead.

23 MS. BARD: Thank you.

24 **TREY COX,**

25 having been first duly sworn, testified as follows: