

1 during the guilt/innocence phase of the trial and
2 call Deputy Dalrymple

3 J. C. DALRYMPLE,

4 having been previously sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. OMODELE:

7 Q. Please introduce yourself to the Court?

8 A. J. C. Dalrymple.

9 Q. Can you tell us your occupation?

10 A. I'm a crime scene investigator with the
11 Harris County Sheriff's Office.

12 Q. How long have you been assigned as a crime
13 scene investigator?

14 A. About 27 years in the Crime Scene Unit.

15 Q. As a crime scene investigator do you have
16 experience with fingerprints?

17 A. Yes, ma'am.

18 Q. Tell us a little bit about that experience?

19 MR. NEWMAN: We will stipulate him as
20 an expert in fingerprints.

21 THE COURT: So stipulated.

22 Q. (BY MS. OMODELE) Deputy Dalrymple, have
23 you ever found two people to have the same
24 fingerprints?

25 A. No, ma'am.

1 MR. NEWMAN: Your Honor, may I
2 approach the witness?

3 THE COURT: Yes, you may.

4 Q. (BY MS. OMODELE) I'm going to first show
5 you what's been marked as State's Exhibit Number
6 Eight. Go ahead and take a look at it and see if you
7 recognize it?

8 A. Yes, ma'am, I recognize it.

9 Q. What do you recognize it to be?

10 A. The right hand inked fingerprints I took of
11 an individual a short time ago here in the courtroom.

12 Q. Do you see this individual that you took
13 the fingerprints of that are depicted in State's
14 Exhibit Number Eight here in the courtroom today?

15 A. Yes, I do.

16 Q. Please point him out and identify by an
17 article of clothing?

18 A. The male seated at defense counsel with the
19 orange pullover shirt.

20 MS. OMODELE: Your Honor, may the
21 record reflect that this witness has identified the
22 defendant?

23 THE COURT: Record so shall reflect.

24 Q. (BY MS. OMODELE) also going to show you
25 what's been marked as State's Exhibit Number Five.

1 Take a look at it and tell me what it is
2 please?

3 A. Yes, ma'am, this is a packet of jail cards
4 from the Harris County Sheriff's Office.

5 Q. Now, I'm going to show you what's been
6 marked as State's Exhibit Numbers Two through Four.

7 Please tell the Court what those are
8 please?

9 A. Yes, ma'am. Exhibits Two, Three and Four
10 are J and S's. Or judgments and sentences.

11 Q. Did you conduct or did you do a comparison
12 of the fingerprints contained in State's Exhibits
13 Number Five and Four to the fingerprints that are
14 contained in State's Exhibit Number Eight?

15 A. Yes, I did.

16 Q. And let's start with State's Exhibits
17 Number Two and Five.

18 Specifically to page number three of
19 State's Exhibit Number Five.

20 Is there a defendant listed on that
21 fingerprint card?

22 A. Yes, there is, on the jail card.

23 Q. What is that defendant's name?

24 A. Shows to be last name Davis. First name
25 Edmond.

1 Q. And is in a specific charge contained in
2 that fingerprint card?

3 A. Yes, there is. It's deadly conduct
4 discharge of firearm.

5 Q. Is there a cause number contained?

6 A. There is. It is 1108635.

7 Q. And I'm going to show you what's been
8 marked as State's Exhibit Number Two.

9 Is there a defendant's name in that
10 exhibit?

11 A. Yes, there is. Edmond Davis.

12 Q. And is there a cause number?

13 A. Yes, ma'am. It's the same. 1108635.

14 Q. Did you do a comparison of the fingerprints
15 contained in State's Exhibit Number Five,
16 specifically page number three, again, to the
17 fingerprints contained in State's Exhibit Number
18 Eight?

19 A. Yes, I did.

20 Q. What was the result of that comparison?

21 A. That the prints on the bottom of page three
22 of Exhibit Five was made by the right thumb of the
23 defendant.

24 Q. Going to now to direct your attention to
25 the second page of State's Exhibits Numbers Five.

1 Is there a name contained on that page?

2 A. Yes, it is. Last name Davis, first name
3 Edmond.

4 Q. Is there a specific charge?

5 A. Yes, driving while license suspended.

6 Q. And, again, there is a cause number?

7 A. Yes, there is. 9910990.

8 Q. Going to now direct your attention to
9 State's Exhibit Three.

10 Can you tell us the cause number in that
11 exhibit?

12 A. Yes, ma'am. It's 9910990. The same as on
13 the jail card.

14 Q. What about the name?

15 A. Edmond Davis.

16 Q. Again, did you do a comparison of the
17 fingerprints contained on page two in State's Exhibit
18 Number Five to the fingerprints in State's Exhibit
19 Number Eight?

20 A. Yes, I did.

21 Q. Tell us the result of that comparison?

22 A. That the prints on the bottom of the second
23 page of Exhibit Five, again, were made by the right
24 thumb of the defendant.

25 Q. Now, I would like to show you State's

1 Exhibit Number Four.

2 Can you tell us the name contained in
3 State's Exhibit Number Four?

4 A. Yes, ma'am. It's Edmond Davis.

5 Q. And is there a specific charge as it
6 relates to State's Exhibit Four?

7 A. Yes, it shows to be Class A deadly assault.

8 Q. Is there a cause number?

9 A. 712127.

10 Q. Is there a fingerprint contained on the
11 second page of State's Exhibit Number Four?

12 A. Yes, there is.

13 Q. Did you do a comparison of that fingerprint
14 to the fingerprints that are contained in State's
15 Exhibit Number Eight?

16 A. Yes, ma'am. I did. And the print on the
17 second page of Exhibit Four was also made by the
18 right thumb of the defendant.

19 MS. OMODELE: Your Honor, at this time
20 the State offers State's Exhibit Numbers Two, Three,
21 Four and Five into evidence after tendering to
22 opposing counsel.

23 THE COURT: Thank you.

24 MR. NEWMAN: Your Honor, we would
25 object that prior predicate has not been met and,

1 therefore, relevance has not been established.

2 THE COURT: That's overruled.

3 State's Exhibits Two, Three, Four and Five
4 will be admitted.

5 (State's Exhibit Numbers Two, Three, Four and Five
6 received.)

7 MS. OMODELE: State also offers --
8 excuse me. State's Exhibits Six and Seven into
9 evidence, which are certified pen packets from the
10 Texas Department of Criminal justice after tendering
11 to opposing counsel.

12 MR. NEWMAN: And, Your Honor, again, I
13 don't believe proper predicate has established to
14 make these relevant at this point.

15 THE COURT: Thank you, Mr. Newman.
16 That's been denied.

17 Six and Seven State's Exhibits will be
18 admitted over objection.

19 (State's Exhibits Numbers Six and Seven received.)

20 MS. OMODELE: Your Honor, I pass the
21 witness at this time.

22 MR. NEWMAN: May I approach?

23 THE COURT: Yes, sir. You may.
24
25

1 CROSS EXAMINATION

2 BY MR. NEWMAN:

3 Q. Deputy, how are you today?

4 A. Fine, sir.

5 Q. Just -- I'm going to approach you with
6 State's Exhibit Number Six and actually just want to
7 point out the judgment and sentence contained within
8 this.9 You would agree with me that the date of
10 judgment on that says February 27, 1998; correct?

11 A. Yes, it does.

12 Q. Not February 24th of 1998?

13 A. No, sir, its February 27th.

14 Q. Thank you, sir.

15 MR. NEWMAN: Pass the witness.

16 MS. OMODELE: Very briefly, Your
17 Honor.

18 I have no further questions, Your Honor.

19 THE COURT: Very well.

20 May this witness step down and be excused?

21 MS. OMODELE: Yes, Your Honor.

22 MR. NEWMAN: Yes, Judge.

23 THE COURT: Thank you for your time
24 and testimony.

25 Call your next.