

1 JAMES C. DALRYMPLE,
2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. MULDROW:

5 Q. Would you introduce yourself for the
6 record?

7 A. Yes, sir. James C. Dalrymple.

8 Q. Deputy Dalrymple, how are you employed?

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

11 Q. Do you have any training or experience
12 in regards to the identification of fingerprints?

13 A. Yes, sir, I do.

14 Q. Can you briefly give us an overview of
15 what that training is?

16 MR. TRENT: We'll stipulate to
17 Deputy Dalrymple as an expert. I've dealt with him
18 numerous times before.

19 THE COURT: All right.

20 MR. MULDROW: May I approach the
21 witness?

22 THE COURT: The Court takes
23 judicial notice of the stipulation and finds that
24 Deputy Dalrymple is an expert in the area of
25 fingerprint analysis.

1 MR. MULDROW: May I approach?

2 THE COURT: Yes, sir.

3 MR. MULDROW: Your Honor, at this
4 time I would offer State's Exhibit 11 into evidence.
5 It's a business record that's been on file with the
6 Court the requisite 30 days and tender to opposing
7 counsel.

8 MR. TRENT: No objection to State's
9 11.

10 THE COURT: State's 11 will be
11 admitted.

12 (State's Exhibit No. 11 offered and
13 admitted.)

14 Q. (By Mr. Muldrow) And in preparation for
15 your testimony here today, did you take a
16 fingerprint from Mr. Robinson?

17 A. Yes, I did, the male at the Defense
18 counsel table with the orange pullover shirt.

19 MR. MULDROW: May the record
20 reflect the witness has identified the Defendant?

21 THE COURT: It will so reflect.

22 Q. (By Mr. Muldrow) I'm going to show you
23 State's Exhibit No. 11. Did you compare the
24 fingerprint that you took from Mr. Robinson, the
25 Defendant, to the fingerprints that are found on

1 State's Exhibit No. 11?

2 A. Yes, sir. There's prints on the last
3 two pages of Exhibit 11.

4 Q. Okay. And are those prints, the prints
5 that you took from Mr. Robinson and the prints that
6 you found on State's Exhibit No. 11, do they both
7 come from the same person?

8 A. Yes, sir. Right thumb of the defendant.

9 Q. Okay. I'll show you what's been marked
10 as State's Exhibit No. 12. Is there also a
11 fingerprint on State's Exhibit No. 12?

12 A. Yes, sir, on the second page.

13 Q. And did you compare that print to the
14 print that you took from the Defendant?

15 A. Yes, I did.

16 Q. And did both of those prints come from
17 the same individual?

18 A. Yes, sir, right thumb again.

19 Q. I'm going to show you what's been marked
20 as State's Exhibit 13. Is there a fingerprint found
21 on State's Exhibit No. 13?

22 A. There is, sir.

23 Q. Did you compare that print to the print
24 that you took from the Defendant?

25 A. Yes, sir.

1 Q. And did both of those prints come from
2 the same individual?

3 A. Yes, sir. Again, the right thumb.

4 Q. On State's Exhibit No. 11, are you
5 familiar with what a jail card is?

6 A. Yes, sir, I am.

7 Q. And is State's Exhibit No. 11 a jail
8 card?

9 A. Yes, it is.

10 Q. Does it list a cause number for an
11 aggravated robbery conviction?

12 A. Yes, sir, it does. It shows to be
13 872134.

14 Q. I'm showing you State's Exhibit No. 14.
15 Does that exhibit have the same cause number as the
16 cause number the Defendant was arrested for?

17 A. Yes, sir, 872134.

18 Q. And is this also an aggravated robbery?

19 A. Yes, sir, that's what the document
20 reflects.

21 MR. MULDROW: Your Honor, at this
22 time the State would offer State's Exhibit --

23 THE COURT: What was the State's
24 Exhibit?

25 MR. MULDROW: We were talking about

1 State's Exhibit 14 is the judgment for an aggravated
2 robbery conviction. State's Exhibit 13 and State's
3 Exhibit 12 are judgments for other offenses.

4 THE COURT: All right. And the
5 exemplar?

6 MR. MULDROW: I beg your pardon?

7 THE COURT: The exemplar?

8 MR. MULDROW: Yes, sir.

9 THE COURT: Is that offered?

10 MR. MULDROW: Yes, sir.

11 THE COURT: And that's State's
12 Exhibit -- what number is that?

13 MR. TRENT: By exemplar, do you
14 mean the card he took today?

15 THE COURT: Yes.

16 MR. MULDROW: Oh.

17 MR. TRENT: He's got it up there.

18 MR. MULDROW: I was not going to
19 offer that into evidence.

20 THE COURT: Okay. That's fine.

21 MR. TRENT: Just so I'm clear,
22 Deputy Dalrymple, on State's Exhibit 14 there's a
23 print, but is this -- is this print on this judgment
24 sufficient for telling anything?

25 THE WITNESS: May I see it, please?

1 MR. TRENT: Yes. This is No. 14.
2 I think you've testified about the jail card
3 associated with that offense, but --

4 THE WITNESS: Yes. The print on
5 Exhibit 14 is not sufficient quality to identify.

6 MR. TRENT: Okay. But you've
7 testified about a jail card that's associated with
8 this cause number; is that correct?

9 THE WITNESS: Yes, sir, it is.

10 MR. TRENT: I have no objection to
11 these exhibits.

12 THE COURT: All right. State's 12,
13 13 and 14 will be admitted.

14 (State's Exhibits No. 12 through 14
15 offered and admitted.)

16 MR. MULDROW: No further questions
17 from the State.

18 MR. TRENT: No questions.

19 THE COURT: All right. Thank you
20 very much, Deputy. You may go about your business.
21 Appreciate your time.

22 THE WITNESS: Thank you.

23 THE COURT: You may call your next
24 witness.

25 MR. MULDROW: Your Honor, at this

1 time the State would offer State's Exhibit No. 15
2 into evidence. State's Exhibit No. 15 is the
3 Defendant's T.Y.C. records which have been on file
4 with the Court with a business records affidavit.
5 Those records are very large. They contain a lot of
6 other information. I've taken out the records that
7 we feel are relevant to this case to offer.

8 THE COURT: All right.

9 MR. TRENT: Can I see the ones that
10 you're actually offering?

11 MR. MULDROW: Well, I take it back.
12 We're going to offer the whole thing.

13 THE COURT: For purposes of the
14 Rule of Optional Completeness?

15 MR. MULDROW: Judge, all the
16 records have been on file with the Court. We're
17 going to offer the entirety of the records --

18 THE COURT: Okay. Fair enough.

19 MR. MULDROW: -- unless Defense
20 counsel has some objection.

21 MR. TRENT: I just -- I mean, I
22 have an objection now. Whatever -- I'll just
23 preface it by saying whatever -- if there is -- part
24 of my objection is sustained. I don't -- I don't
25 see any need to waste time redacting these. I know

1 the Court won't consider what you sustain an
2 objection to, but I do have certain objections to
3 these documents.

4 And have you ever actually offered
5 them yet?

6 MR. MULDROW: I'm offering them at
7 this time.

8 THE COURT: Okay. What are the
9 objections?

10 MR. TRENT: Yes, Judge.

11 Is this part of it (indicating)?

12 MR. MULDROW: No, just that. I
13 mean, this is --

14 MR. TRENT: Contained within that?

15 MR. MULDROW: -- contained in that.

16 MR. TRENT: Okay. Well, Judge, our
17 objection to State's Exhibit No. 15 is, No. 1,
18 there's some records here which there is no
19 associated fingerprint for calling into question the
20 identity of who these records deal with. Admittedly
21 there are -- there's lots of verbiage in these
22 records about who they're about. But we would
23 object, first of all, on the basis that they haven't
24 been sufficiently linked to this Defendant.

25 Secondly, I believe contained

1 within these records are certain disciplinary
2 violations and other records, chronological records
3 of infractions allegedly committed by the person
4 that these records deal with while incarcerated; and
5 we do object to those. There's case law that I'll
6 have to dig up if necessary, but, I mean, it's a
7 violation of his confrontation clause and also in
8 some cases *Crawford* --

9 THE COURT: All right. Let me just
10 stop you there. The objection as to the
11 confrontation clause on those particular exhibits
12 that you are referring to is sustained.

13 What about the exhibits you intend
14 to actually have me consider? I won't consider
15 those documents that I have sustained the objections
16 to --

17 MR. MULDROW: Absolutely.

18 THE COURT: -- on behalf of the
19 Defendant but --

20 MR. MULDROW: State's Exhibit No.
21 15 is the Defendant's T.Y.C. records. There are a
22 number of disciplinary violations which Defense
23 counsel is objecting to. I understand that
24 objection. What we're mainly concerned with is
25 contained in State's Exhibit No. 15 is judgments and

1 sentences or proof of the Defendant's convictions
2 for the offenses that sent him to T.Y.C.

3 THE COURT: All right.

4 MR. MULDROW: Defense counsel's
5 objection to those records is that they're not
6 sufficiently linked to this Defendant because they
7 don't have a fingerprint. However, under *Roll v.*
8 *State*, a date of birth and name and a Social
9 Security number are sufficient. These records
10 contained the Defendant's name, date of birth and
11 Social Security number which would link through the
12 jail cards and also contains -- Defense counsel, I
13 think, has said -- copies of birth certificates,
14 copies of Social Security records, a number of other
15 records showing this is, in fact, the Defendant
16 we're talking about.

17 So the main records we're getting
18 at is what the Defendant has actually been convicted
19 of that sent him to T.Y.C.

20 THE COURT: Okay. For purposes of
21 the record and for clarification of the record, if
22 you could pull those and we will just -- if you
23 could offer -- the objection is overruled as to
24 those documents just referenced by Mr. Muldrow.

25 MR. MULDROW: I will pull out a

1 copy of the judgment.

2 THE COURT: So you're offering the
3 J and S's on --

4 MR. MULDROW: Yes, sir, and we're
5 submitting that list that he -- this offense that he
6 was convicted of that sent him to T.Y.C.

7 THE COURT: All right.

8 MR. TRENT: And he's got a larger
9 copy. So I don't object if he wants to substitute
10 that out.

11 MR. MULDROW: I will substitute a
12 clean copy and I will call that State's Exhibit No.
13 16. And State's Exhibit No. 16 is admitted?

14 THE COURT: State's Exhibit 16 is
15 indeed admitted. State's Exhibit 15 was the record
16 in toto; is that correct?

17 MR. MULDROW: Judge, that will be
18 the entire records you sustained the objection to
19 redact. So we offered State's Exhibit No. 16 which
20 is admitted.

21 (State's Exhibit No. 16 offered and
22 admitted.)

23 THE COURT: All right. You may
24 proceed.

25 MR. MULDROW: Your Honor, at this

1 time, the State would offer all the evidence from
2 guilt/innocence and rest.

3 THE COURT: All right. Thank you,
4 sir.

5 Mr. Trent.

6 MR. TRENT: Yes, Judge. If it
7 please the Court, I'll call Allen Robinson, Sr.

8 THE BAILIFF: This witness has not
9 been sworn.

10 THE COURT: All right. Raise your
11 right hand, sir.

12 (Witness sworn.)

13 THE COURT: All right. If you'll
14 take a seat up here and sit as close to that
15 microphone as you can.

16 You may proceed.

17 ALLEN ROBINSON,
18 having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. TRENT:

21 Q. Good morning, Mr. Robinson. Would you
22 please introduce yourself to Judge Fine and spell
23 your name for the court reporter?

24 A. I'm Allen Robinson, Brandon's dad. And
25 A-L-L-E-N, R-O-B-I-N-S-O-N.