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DR. WILLIAM DAVIS,

having been first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. BAILY:

Q. Can you state your full name for the record, please?

A. Yes. Good afternoon. My name is William Davis.

Q. And what is it that you do for a living?

A. I'm a trace evidence manager at the Harris County Institute of Forensic Sciences.

Q. Can you tell us, what is the Institute of Forensic Sciences?

A. That's the new name of the medical examiner's office.

Q. And what sorts of, I guess, services or scientific things happen over there?

A. Well, trace evidence is part of what they call the crime laboratory services. And in the trace evidence section, we perform two types of analyses. One is for something known as ignitable liquid residue and the other is gunshot residue.

Q. And with the Institute of Forensic Sciences, there's also the morgue, autopsies are performed there, DNA analysis is done there. Correct?

1 A. Right. Two services essentially. One is
2 pathology service and then the crime laboratory
3 services.

4 Q. And what is your current position?

5 A. I am the manager of the trace evidence section.

6 Q. What is your educational background that
7 qualifies you to be the manager?

8 A. Well, I have degrees in chemistry, a bachelor's
9 degree from Syracuse University and a Ph.D. from
10 Columbia University.

11 Q. Are you, as part of your job and before that,
12 required to have some specialized training in the field
13 of trace evidence collection?

14 A. Trace evidence analysis.

15 Q. Analysis. I'm sorry.

16 A. Well, yeah, I -- I was trained in the specific
17 disciplines of trace evidence in my position.

18 Q. And do you have to attend continuing education,
19 stay current with things?

20 A. Oh, yes, that's required of my certification.
21 Yes.

22 Q. And how many hours of continuing education do
23 you have to maintain -- do you have to do to maintain
24 your certification?

25 A. We don't do it in hours. We do it by -- the

1 certification body for my particular certification,
2 which is the American Board of Criminalistics, requires
3 re-certification points, which have to do with either,
4 you know, writing -- writing scientific articles for
5 peer review journals, attending scientific meetings,
6 presenting at scientific meetings, and -- and going to
7 some kind of training when appropriate.

8 Q. Is your certification current?

9 A. Yes, it is.

10 Q. And were you certified back in -- at the end of
11 2009, beginning of 2010?

12 A. Yes.

13 Q. Let's talk about the things that you're asked
14 to look at in your trace evidence analysis. What are
15 the things that you're asked to analyze?

16 A. We're asked to analyze for -- the bulk of our
17 analyses are for gunshot residue and then the other is
18 ignitable liquids.

19 Q. And have you testified -- I guess you're here
20 today to talk about gunshot residue?

21 A. Yes, ma'am.

22 Q. Have you testified as an expert in gunshot
23 residue analysis on few or many occasions?

24 A. Many occasions.

25 Q. Can you tell us what gunshot residue is?

1 A. Well, gunshot residue, for our analysis, is
2 residue that is deposited by the primer portion of
3 ammunition. The primer is typically a formulation of
4 different chemicals that leaves a very characteristic
5 residue.

6 Q. And where is the primer located on a cartridge
7 case?

8 A. It's typically at the back of the cartridge,
9 closest to the firing pin of whatever the firing
10 mechanism may be.

11 Q. And what are you looking for -- I guess, what
12 makes up gunshot residue? What chemicals?

13 A. Well, the formulation that's used contains some
14 specific heavy elements. When I say "elements," I mean
15 the things that are on a periodic table and they're low
16 down on the periodic table and over to the right
17 sometimes. There's lead, there's barium, and an element
18 called antimony. And those are typically found in
19 primers. And what we do is we look for residues that
20 arise from their explosion products.

21 Q. And in regard to those three items, what are we
22 looking for, where they're all present together?

23 A. Well, I actually have a chart, a diagram that
24 may be helpful to the jury in seeing this.

25 Q. In understanding your testimony?

1 A. Yes.

2 MS. BAILY: Permission to approach, Your
3 Honor?

4 THE COURT: All right.

5 Q. (By Ms. Baily) And is this the chart you
6 brought with you today (indicating)?

7 A. Yes, ma'am.

8 Q. And you think it would be helpful for the jury
9 in understanding your testimony if you could, I guess,
10 rely on this?

11 A. Yeah, and use to it explain what I'm about to
12 explain.

13 Q. Okay.

14 MS. BAILY: Permission to publish, Your
15 Honor?

16 THE COURT: All right.

17 MS. BAILY: For demonstrative purposes
18 only.

19 Q. (By Ms. Baily) What are we looking at here
20 (indicating)?

21 A. Well, this is what I refer to as a spray paint
22 analogy for gunshot residue. As I mentioned, these
23 three elements are part of the formulation of the
24 primer. When the primer explodes, the elements do not
25 change into other elements, but they do change physical

1 state. They go from solid to liquid. Being the liquid
2 state is brief, but sufficient to allow a mixing. If
3 you were to take three different colors of spray
4 paint -- in this case I used the simple colors of blue,
5 yellow, and red -- and you were to spray them
6 simultaneously at a surface and then examine the
7 surface, you will see the three original colors, you
8 will see three new colors where two of the colors have
9 mixed. You'll see purple where the red and blue have
10 mixed. You'll see the green from the blue and yellow
11 and the orange from the red and yellow, but you'll also
12 see gray where all three of the colors have mixed. All
13 right?

14 So, in the gunshot residue, what we would
15 expect to see, we would expect to see these seven types
16 of particles, but not always, but we would expect to see
17 at least the gray type of particle. That is the
18 particle that is characteristic of gunshot residue. Any
19 other particle that we would see, say just red, that's
20 consistent with gunshot residue, but it's also
21 consistent with -- I don't know if you have lead paint
22 in your house or if you've handled your battery
23 terminals in your automobile, you'd have lead on your
24 hands. All right? So, it's consistent with gunshot
25 residue, but it -- it's not characteristic. There are

1 too many environmental factors, but there are no other
2 environmental factors that would give you a particle
3 that had lead, barium, and antimony self-contained.

4 Q. So, on your diagram, the gray matter that
5 you're talking about is when all three of these
6 substances mix?

7 A. Yes. In that case, the PB is the chemical
8 symbol for lead, BA is for barium, and SB is for
9 antimony.

10 Q. So, when you are -- I guess, what is it that
11 you're given to examine when we're talking about gunshot
12 residue? What comes to your lab?

13 A. What comes to our lab are what we call -- not a
14 scientific term -- called a stub, which is just a -- I
15 have one in my pocket. If I may?

16 THE COURT: Okay.

17 A. It's -- it comes in a plastic -- they are
18 commercially available. They come in a plastic tube to
19 avoid being handled prior to use. And you lift the
20 plastic off. And contained in the base is just a -- a
21 piece of aluminium that has a very special piece of
22 tape. It's double-sided tape, so that it's adhered to
23 the aluminium, but then whoever is interested in
24 determining if gunshot residue is present or anything is
25 present -- I mean, it doesn't have to be gunshot

1 residue -- you would simply take this and dab the
2 surface of interest and then repackage it and submit it
3 to the laboratory.

4 Q. (By Ms. Baily) And in a homicide case, in any
5 kind of police cases where they submit these dobbers to
6 you, who's actually responsible for dobbing the surface
7 of hands, if that's what we're talking about?

8 A. That is typically Crime Scene Units.

9 MS. BAILY: Permission to approach, Your
10 Honor?

11 THE COURT: All right.

12 Q. (By Ms. Baily) And do State's Exhibits 100,
13 101, and 102 appear to be these dobbers that you're
14 talking about (indicating)?

15 A. Yes, ma'am.

16 Q. And what do we see? There's three of them.
17 Why is there three of them?

18 A. Well, in this case, there's one for a right
19 hand, there's one for a left hand, and then there's one
20 for a control. And it's our understanding that the
21 control is a sample taken from the person doing the
22 collection.

23 Q. And what's the purpose of having a control?

24 A. To show that the person doing the collection is
25 not likely to be a source of gunshot residue.

1 Q. So, the officer taking this sample --

2 A. Yes.

3 Q. -- should dobb their own hands and the result
4 on that should be no gunpowder -- or gunshot residue?

5 A. That's correct.

6 Q. That's what you would expect to see?

7 A. Yes.

8 Q. And then they take a right hand and left hand
9 sample from each person?

10 A. Yes, ma'am.

11 Q. Okay. And then once these three items -- I
12 guess, in this case these three dobbers taken from this
13 defendant -- that's Theadric Lee -- were submitted to
14 your office, how is it that you analyze them?

15 A. We use a special type of microscope. It's a
16 scanning electron microscope. And the reason we use
17 that is because this stuff is invisible. You cannot see
18 it. Even the person doing the collection must use their
19 intuition in what to sample.

20 The scanning electron microscope gives us a
21 lot of information. Number one, it allows us to see
22 these very small particles. Number two, it allows us to
23 see their shape. Shape in this case is important
24 because at one point these particles were melted. All
25 right? So they were droplets. So, they should have a

1 somewhat round appearance. And it also allows us to
2 determine the chemical composition. So, we would be
3 able to determine a small, round particle that had lead,
4 barium, and antimony, and we would call that gunshot
5 residue.

6 Q. And is that where -- this scanning electron
7 microscope, is that where our SEM kit abbreviation comes
8 from?

9 A. Yes, SEM is scanning electron microscope.

10 Q. So, with this high-powered microscope, are you
11 able to pick out from all the particles on this dobber
12 the ones that are of importance to you?

13 A. Yes, ma'am.

14 Q. Let's talk about this case specifically. In
15 the case of Theadric Lee's analysis, you looked at
16 State's Exhibits 100, 101 and 102, right?

17 A. I did the review of the analysis.

18 Q. Okay. And you said you did the review. And
19 who did the original work in this case?

20 A. The original work was done by James Jackson, a
21 former employee of the trace evidence section.

22 Q. But before he can write -- before anybody can
23 write a report on something such as this, does it have
24 to be reviewed by somebody else?

25 A. One hundred percent, yes.

1 Q. And in this case, were you the person that
2 reviewed and basically approved James Jackson's results
3 before he could write that report?

4 A. Yes, ma'am.

5 Q. Okay. How long does it take to, I guess,
6 review these right and left-hand dobbers? Is it
7 something that just takes five, ten minutes to get your
8 results?

9 A. The actual analysis is automated. And even
10 automated, it can take up to four hours for that little
11 half-inch circle to be analyzed. Because we are looking
12 for such small features, we have to look at very small
13 areas of that piece of tape for a considerable amount of
14 time before we have the whole thing covered. Every type
15 of particle is noted by the software and its position on
16 that stub is noted as well so that we go back and we see
17 these seven types of particles corresponding to the
18 seven letter -- or colors and we go back and look at
19 them and determine whether or not they really are what
20 they are. We don't rely on the software at that point.
21 We just rely on the software to screen for us. If we
22 were to do this by hand, it would take months.

23 Q. And even with the software helping expedite the
24 process in this particular case, how long did it take to
25 process each hand?

1 A. It -- may I look at the report?

2 Q. Sure.

3 A. I don't have it off the top of my head. In the
4 case of these samples, just to give you an idea, most of
5 them are four hours. Control -- it says -- here it is.
6 The right hand was three hours, 14 minutes. Left hand
7 was four hours, 26 minutes.

8 Q. And do you have a number of particles that had
9 to be examined?

10 A. Yes. For the left hand, it was 15,266. The
11 right hand was 9,044 total particles.

12 Q. And these are things, I guess, that if you
13 examined like my hands today, things would come up on
14 them?

15 A. Yes.

16 Q. Even though they appear to be clean?

17 A. Yes.

18 Q. Would you say this is quite a few particles?
19 Is this the normal amount of particles that you have to
20 examine?

21 A. It's on the high side.

22 Q. Could that be a result of the hands being
23 especially dirty or muddy in this case?

24 A. Well, there was a lot of particles. I can't --
25 none of the other particles that we found were

1 classified in terms of their composition, but most of
2 them were classified as other or iron-containing,
3 iron-containing being simply rust.

4 Q. Let's talk about the results in this case.

5 A. Okay.

6 Q. What were -- what was your conclusion after
7 examining --

8 A. Well, in the case of this particular set of
9 stubs, the right hand had one particle of gunshot
10 residue and the left hand had zero.

11 Q. And what does that tell you?

12 A. Well, we term this inconclusive because it's
13 hard to tell. I mean, one particle is a small number.
14 It's only one away from the smallest number. And how
15 that number got to that value is unknown to us. That's
16 why it's inconclusive. At one point -- I don't want to
17 misstate this. At one point there could have been many
18 more and it diminished or there could have been none and
19 one was picked up accidentally. And it's equal. I don't
20 know which one it is.

21 Q. And there's no way for you to ever be able to
22 tell, is there?

23 A. Right.

24 Q. You said something about there could have been
25 more and then they -- there's two possibilities. There

1 could have been more and they were diminished or there
2 could have been none and then they accidentally picked up
3 one, right?

4 A. Yes.

5 Q. When we're talking about accidentally picking up
6 one particle, how could that happen?

7 A. Well, that happens if you frequent an
8 environment that is what we would say rich in gunshot
9 residue, you could pick it up. Environments that are
10 rich in gunshot residue are firing ranges or places
11 where a lot of employees have guns.

12 And there is actually one published study
13 of police officers in their own environment that have
14 been assigned to their desk and have not fired their
15 weapon for a considerable amount of time, and of 81
16 police officers, they found one particle. So, the
17 statistics -- I mean, that actually says there's a 1 in
18 81 chance that someone could, you know, by being in a
19 police environment pick up one.

20 Q. Let's talk about the opposite of that. There
21 are cases where somebody could fire a handgun and then
22 the gunshot residue could wear off before the time that
23 their hands are dobbed?

24 A. Yeah. Gunshot residue does not stay around on
25 a surface for a long time. It's not that it changes

1 chemically. It's just there's -- it has no special
2 physical properties to make it want to. It is round.
3 And activity is the primary cause for the numbers to
4 diminish.

5 Q. So, have there been cases where a person has
6 seen video, known to have fired a gun, and by the time
7 their hands are tested there's no gunshot powder residue
8 on them?

9 A. Yes.

10 Q. And that's because of, you said -- is it just
11 activity or is there something else that factors --

12 A. Well, there are a number of factors. In cases
13 where you actually see things, you can actually put --
14 you know, you can put descriptions to the factors, but
15 the most effective means of reducing the number -- and,
16 I mean -- when I say "reduce the number," you could
17 reduce it to zero. Reduce the number, most
18 sufficiently, is simply wash your hands. All right?
19 But if you don't wash your hands, it's kind of hard not
20 to do things with your hands over time, right? In the
21 last 10 seconds, I've moved my hands, talked with my
22 hands. If there were particles, they would be falling
23 off. And more prolonged, you know, if I put my hands in
24 my pocket, or, you know, I reach for the dabber that I
25 showed you earlier, you know, all that, now I'm

1 transferring it to my pocket, all of that is going to
2 diminish the number on my hand.

3 Q. And so, let me give you a hypothetical. Would
4 you be surprised with results such as this one particle
5 being found on a hand in a case where somebody had -- I
6 guess, let me go back a step.

7 Would you expect more or less particles to
8 be on the hands of someone firing a rifle as opposed to
9 a handgun?

10 A. It depends on the type of rifle. Most rifles
11 deposit less around the hands.

12 Q. And why is that?

13 A. It's just that the gunshot residue tends to --
14 most of the gunshot residue, regardless, will exit one
15 breach, and that's the barrel. And then other breaches
16 as well. So, if it were a revolver, you'd have these
17 cylinder gaps where it could escape. And it really
18 depends on the weapon. If there are no breaches -- for
19 instance, like a shotgun, there's very little breaches,
20 because nothing gets ejected, nothing is being rotated
21 around very often, most of that is going to come out the
22 front and very little would come out the side near
23 someone -- someone's hand.

24 Q. Are you familiar with assault rifles?

25 A. Somewhat.

1 Q. Okay.

2 MS. BAILY: Permission to approach, Your
3 Honor?

4 THE COURT: All right.

5 Q. (By Ms. Baily) Let's take this, State's 195.
6 This is an AR-15 assault rifle. Would you expect fewer
7 particles on the shooter's hands if they shot an assault
8 rifle such as this than if they shot a handgun such as
9 State's Exhibit 17 (indicating).

10 A. I really couldn't say. The amount of gunshot
11 residue that's left behind by anything is -- you can't
12 put a number on it. It -- anything is going to generate
13 a lot of gunshot residue and where it goes is rather
14 chaotic, you can never predict.

15 Q. Let's talk about activity. And let me give you
16 that hypothetical I was getting to earlier.

17 Say that you know somebody shoots a gun
18 eight, nine times, this assault rifle, right? Would you
19 expect there to be gunshot residue on their hands?

20 A. Yes.

21 Q. Okay. Let's say an hour or so passes. This
22 person jumps into a vehicle, flees in that vehicle,
23 jumps out of that vehicle, runs from the police. Okay?
24 As they're running from the police they fall down on the
25 grass, they get up, they make their way across a bayou,

1 go through the bayou, and they try to wedge themselves
2 under a building hands down in the dirt.

3 Would you expect to lose quite a few
4 gunshot residue particles based on that sort of
5 activity?

6 A. Yes.

7 Q. And would you be at all surprised if knowing
8 all that happened your result was only one particle on
9 one hand?

10 A. I wouldn't be surprised, no.

11 Q. I want to talk to you about some other
12 individuals that you analyzed their SEM kits in this
13 case.

14 A. Okay.

15 Q. Let's talk about -- I guess, what are the
16 other -- who are the other individuals?

17 A. In this particular case, there was a kit from
18 one Olga Contreras, one from Crystal Scott, and one from
19 Juan Rodriguez.

20 Q. What were the results of Olga Contreras' SEM
21 test?

22 A. We could not make any conclusions from that
23 test at all.

24 Q. And why is that?

25 A. The control sample was positive.

1 Q. Okay. And the control sample being positive
2 means that when the officer dobbed their hands --

3 A. There was gunshot -- gunshot residue on that
4 particular sample, yes.

5 Q. Okay. And that would have been, I guess,
6 unintended, right?

7 A. Yeah, I would hope so.

8 Q. You would assume.

9 Okay. So, because the control that that
10 officer submitted, you couldn't even review Olga's
11 results, could you?

12 A. Well, I mean, we did, but we can't make a
13 conclusion from it.

14 Q. Okay. Is there anything that you can tell us
15 about her results even though you can't make a
16 conclusion or --

17 A. There's gunshot residue on those samples.
18 There was gunshot residue on every sample in that
19 particular kit, but I don't know if they came from the
20 sampling person or from the person itself. They were on
21 the stubs and that's it.

22 Q. Would you expect gunshot residue to be on a
23 person's hands, say, if they were told to pick up a
24 firearm that had just been fired and move it inside the
25 house?

1 A. Yes.

2 Q. Even though they didn't fire the firearm?

3 A. That's correct.

4 Q. And that you could have gunshot residue just by
5 touching the weapon afterwards?

6 A. Yes.

7 Q. Or by even being close to someone firing a
8 weapon, right?

9 A. That's correct.

10 Q. So, Olga, even though she had gunshot residue
11 present, you can't make any ultimate conclusions because
12 of the issue with the control, right?

13 A. That's correct.

14 Q. Okay. Let's talk about Crystal Scott. What
15 were the results of her gunshot residue or SEM?

16 A. There were no particles, zero on all the stubs.

17 Q. Now, let's talk about Juan Rodriguez. He is
18 the complainant in our case. What were the results of
19 his SEM kit?

20 A. There was one particle on the left hand.

21 Q. Only one particle?

22 A. Yes.

23 Q. What if I were to tell you that we know that he
24 fired a .45-caliber handgun seven times that evening?
25 How could there only be one particle on one of his

1 hands?

2 MR. GRABER: Judge, I'm going to object to
3 the form of the question.

4 THE COURT: Overruled.

5 A. Well, again, you know, if -- activity is going
6 to diminish the number of particles that are found on a
7 surface.

8 Q. (By Ms. Baily) But what if -- what if he just
9 fell to the ground right there and had to be taken off
10 to the hospital and actually died?

11 A. Well, transported to the hospital is an
12 activity.

13 Q. So, even -- even the transport of this
14 basically lifeless body to the hospital could erase the
15 gunshot residue found on his hands; is that what you're
16 saying?

17 A. Yeah.

18 Q. So, something -- we're saying we knew he fired
19 a gun, but the transport to the hospital and medical
20 intervention, that could be why there's only one
21 particle left on his hand?

22 A. That could explain it, yes.

23 MS. BAILY: I'll pass the witness, Your
24 Honor.

25 THE COURT: Mr. Graber.

1 MR. GRABER: Thank you, Judge.

2 CROSS-EXAMINATION

3 BY MR. LOPER:

4 Q. Doctor, you indicated in your testimony that on
5 Mr. Lee's left hand that there was zero particles of
6 gunshot residue, correct?

7 A. Characteristic particles, yes, sir.

8 Q. Correct.

9 A. Yes.

10 Q. And that's what you're looking for to make a
11 determination, correct?

12 A. Yes, ma'am -- yes, sir.

13 Q. And on the right hand, you indicated that there
14 was one particle; is that correct?

15 A. That is correct.

16 Q. And I think you quantified that by explaining
17 to the jury that it was such a number, meaning it's the
18 next number next to zero, that it's inconclusive to you
19 as a scientist?

20 A. Yes, sir.

21 Q. So, you're not forming any conclusions here
22 today based upon that right hand of Mr. Lee, correct?

23 A. That's correct, sir.

24 Q. And you indicated that the particles do not
25 typically stay on somebody's hands, I assume or any

1 other surface, for a long period of time; is that
2 correct?

3 A. It's dependent upon activity.

4 Q. Okay. Do you recall testifying specifically
5 that it doesn't stay on that surface for a long period
6 of time?

7 A. Yes, sir.

8 Q. Would you say that approximately one hour is a
9 long or a short period of time in reference to your
10 statement to her on direct examination about a long
11 period of time?

12 A. It's all relative, sir.

13 Q. I understand. I'm just asking you. Since you
14 didn't quantify what a long period of time is, I'm just
15 trying to get a feel for that.

16 A. It could be a very short period of time for a
17 dormant surface or it could be an extremely long period
18 of time for a surface that is being hosed off. And so,
19 it's relative to activity.

20 Q. Meaning there's a lot of other factors that
21 come into play?

22 A. Yes, sir.

23 MR. GRABER: Can I approach the witness,
24 Judge?

25 THE COURT: Yes.

1 Q. (By Mr. Graber) You were shown what's marked
2 and in evidence as a rifle, State's Exhibit No. 195,
3 correct (indicating)?

4 A. Yes, sir.

5 Q. Would the particles in the gunshot residue --
6 if that's the right terminology that I'm using; and if
7 it's not, let me know -- come out of the barrel of the
8 weapon?

9 A. Oh, absolutely.

10 Q. Okay. So, an item, whether or not it's a hand,
11 a piece of clothing, or something else, whatever you're
12 testing, that is closer to the barrel, like my left
13 hand -- excuse me, I apologize, my bad -- like this be
14 more likely or less likely to get particles on it than
15 my right hand and right index finger on the trigger
16 (indicating)?

17 A. Well, if we go back to the spray paint analogy,
18 the front end is a nozzle.

19 Q. Correct.

20 A. It's being forced out at very high velocity.
21 All right? So, the chances of the gunshot residue from
22 that portion of that -- that breach in the weapon
23 getting back onto the hand is virtually zero.

24 Q. Okay.

25 A. The residue that would get onto a hand or

1 someone near -- not in front, off to the side,
2 someone --

3 Q. Yes, sir.

4 A. -- near, would come from another breach, say,
5 where the spent cartridges are being ejected.

6 Q. Okay. And do you think that there would be any
7 particles that came out of the end of the gun, the
8 barrel of the gun, that could come back to -- whatever
9 that is -- 10 or 12 inches, to where my left hand is
10 (indicating)?

11 A. I don't see that happening.

12 Q. Okay. And you indicated in your report that
13 even somebody that may have a particle or particles does
14 not necessarily mean that that person fired a weapon.
15 Would you agree with that?

16 A. Oh, yes, sir.

17 Q. In fact, you even put that in your report and
18 kind of qualified with that statement; would you agree
19 with that?

20 A. Yes. There were a number of scenarios on why
21 someone would have gunshot residue.

22 Q. And one of those would be somebody who's just
23 in close proximity to a firearm being discharged,
24 correct?

25 A. Yes.

1 Q. Or handling a firearm that had been --

2 A. Discharged.

3 Q. -- previously discharged.

4 A. Uh-huh.

5 Q. Would you agree with that?

6 A. Yes, sir.

7 Q. But in the end, you would agree with me that
8 the examination of State's Exhibits No. 100 and 101 are
9 either inconclusive or zero, which really don't tell you
10 anything except there's nothing there. Would you agree
11 with that?

12 A. Yes, sir.

13 MR. GRABER: That's all I have, Judge.

14 THE COURT: Ms. Baily.

15 MS. BAILY: No further questions, Your
16 Honor.

17 THE COURT: You may step down.

18 MS. BAILY: May this witness be excused?

19 THE COURT: You're free to go.

20 Call your next witness.

21 MS. BAILY: Yes, Your Honor. State calls
22 Mark Powell.

23 THE BAILIFF: Your Honor, this witness has
24 been previously sworn.

25 THE COURT: All right.