

1 MR. REISS: Exhibit -- is it Houston Fire Department
2 fire and EMS. Record reflect I'm verbally reading now from
3 page seven.

4 Date and time alarm 6-19-2010, time of alarm, 5:01
5 and 39 seconds; arrival 6-19-2010, 5:07 and 16 seconds.

6 Narrative on page 18 -- page eight rather --
7 approximately 30-year-old H/F supine on the sidewalk with a GSW
8 to the R neck apneic/pulseless. Unknown down time. Notified
9 EOC of a DOA.

10 The State would now call Officer Duncan.

11 May I proceed, your Honor?

12 THE COURT: You may proceed.

13 MR. REISS: Thank you.

14 OFFICER C. DUNCAN,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. REISS:

18 Q. Officer Duncan, would you please introduce yourself
19 to the ladies and gentlemen of the jury and spell your name for
20 the record.

21 A. My name is Christopher Duncan, and it's spelled
22 D-u-n-c-a-n.

23 Q. Okay. You're in uniform. Could can you please tell
24 us who you're employed with, sir?

25 A. I'm a police officer with the City of Houston, and

1 I'm assigned to the identification division, crime scene unit.

2 Q. How many total -- well, back up. Where did you go to
3 college?

4 A. I went to college at George Mason University and got
5 my undergraduate degree at George Mason in Virginia, and then I
6 went and received my master's degree here at the University of
7 Houston.

8 Q. Okay. And your degree at George Mason was in what?

9 A. History.

10 Q. And was your master's in anything?

11 A. Criminology.

12 Q. Criminology. Okay.

13 How many total years have you been in law
14 enforcement, sir?

15 A. 25 years.

16 Q. And those all been with HPD?

17 A. 20 years with HPD, and I spent the first 5 years of
18 my career in Virginia as a deputy sheriff in Alexandria.

19 Q. I'm trying to narrow this down. What training --
20 what are your roles and responsibilities right now at HPD?

21 A. Okay. My role as assigned to the crime scene unit is
22 to collect, document, process physical evidence. So my duties
23 are pretty much limited to physical evidence. I don't take
24 statements. I don't get search warrants. I mean, I will use
25 them, but I don't go seek them. I'm not in the interrogation

1 rooms or interview rooms. So physical evidence, that's my
2 responsibility.

3 Q. Okay. At the crime scene?

4 A. At the crime scene or follow-up investigations, so
5 it's not just limited to crime scenes all the time.

6 Q. All right. And have you received training in the
7 area of crime scene investigation?

8 A. I have.

9 Q. What types of training do you have in that area, sir?

10 A. In addition I'm a TCLEOSE -- TCLEOSE is a state
11 governing body for police officers, so I have a law enforcement
12 certification, master's certification, but in addition to that,
13 specifically to crime scene and physical evidence, I have over
14 1500 hours of training specific to documentation, collection,
15 and processing of physical evidence.

16 Q. And have you published anything in the field of crime
17 scene investigation?

18 A. I have. I'm a member of the International
19 Association for Identification. They publish a journal of
20 forensic identification, I've been published in that, as well
21 as the organization has many state agencies and I -- or state
22 level groups, and I have published for a number of journals
23 from Oregon to Virginia. And Texas, obviously. And also I do
24 have a book out on photography.

25 Q. Photography dealing with crime scene investigation?

1 A. It's called Advanced Crime Scene Photography.

2 Q. And you've testified before?

3 A. Many times.

4 Q. All right. In Harris County?

5 A. In Harris County, yes.

6 Q. And during the -- during your career with HPD, have
7 you made the scene of a number of dead by shootings?

8 A. Numerous, yes.

9 Q. So on many occasions?

10 A. On many occasions.

11 Q. Let me turn your attention now if I can, sir, to
12 June 19, 2010. Did you make the scene of a shooting that
13 morning?

14 A. I did.

15 Q. What was the address, sir?

16 A. 10315 Land's End Drive.

17 Q. Is that in Houston, Harris County, Texas?

18 A. It is.

19 Q. Do you recall what time you arrived?

20 A. It was about 7:30 in the morning.

21 Q. So were there other officers on scene by the time
22 that you got there?

23 A. Absolutely. I am usually not the first one to a
24 scene. So patrol units, they -- you know, patrol officers,
25 they wear the light blue uniforms, they respond to the 911 or

1 the phone call for assistance, they get there, and they were
2 still there when I got there, because they called me.

3 Q. Okay. Now, did the medical examiner's office also
4 make the scene of a dead by shooting?

5 A. When there's a fatality, a person on the -- that has
6 passed away at the scene, and is still there, yes, they will
7 respond to a location.

8 Q. All right. Are there distinct roles and
9 responsibilities at the scene between what you're doing and
10 what the M.E. is doing?

11 A. Yes, yes, there are.

12 Q. Okay. Very simply, what is the difference between
13 those responsibilities?

14 A. Just to make it the easiest, their role, the medical
15 examiner's office, it's now called the Harris County Institute
16 of Forensic Sciences, their role is the body. So evidence on
17 the body or in the body, that's their domain. Anything
18 outside, on the ground, in a wall, anything else, other than
19 the body, then that would be our role as law enforcement
20 investigators.

21 MR. REISS: Permission to approach the witness, your
22 Honor?

23 THE COURT: Okay.

24 Q. (By Mr. Reiss) Officer, I'm showing you what's been
25 marked as State's Exhibit No. 4. Are you familiar with what's

1 depicted on that?

2 A. I am.

3 Q. All right. Does it fairly and accurately depict the
4 area of Harris County that we're talking about on the day of
5 the offense?

6 A. Yes, it does.

7 Q. Okay. And I'm showing you what's been marked as
8 State's Exhibit No. 5. Without going into the details of it,
9 what is State's Exhibit 5?

10 A. State's Exhibit No. 5 is a diagram that I drew with
11 the use of a computer that is a bird's-eye view of the scene as
12 I found it.

13 Q. Okay. Is it drawn to scale?

14 A. It's not drawn to scale, but it's definitely in
15 proportion.

16 Q. Okay. And I'm now going to show you -- and you
17 prepared it?

18 A. I did prepare this, yes.

19 Q. And I'm showing you State's -- I'm showing you what
20 have been marked as State's Exhibits No. 6 through 35. Can I
21 ask that you take a look at those, please?

22 A. (Complies.)

23 Yes, sir.

24 Q. Are you personally familiar with what is depicted in
25 these?

1 A. I am.

2 Q. All right. You took these?

3 A. Those are the photographs I took, yes.

4 Q. And they fairly and accurately depict the scene as it
5 existed on June 19, 2010?

6 A. I believe they do.

7 MR. REISS: Your Honor, I'm tendering for inspection
8 State's Exhibits 4 through 35 to Defense counsel for inspection
9 and ask that they be tendered into evidence for any objections.

10 MS. SCARDINO: Your Honor, Defense has no objection
11 to State's Exhibits 4 through 35. I believe for the record, we
12 have -- I have seen these photographs before. Thank you.

13 THE COURT: State's 4 through 35 are admitted without
14 objection.

15 MR. REISS: And permission to publish, your Honor?

16 THE COURT: Okay.

17 Q. (By Mr. Reiss) Officer, these are not the totality of
18 all the photos you took that day; is that correct?

19 A. No, sir.

20 Q. Okay. In the interest of full disclosure, we kind of
21 narrowed them down, right?

22 A. Yes, absolutely.

23 Q. Let me just start here with State's Exhibit No. 4,
24 the map, just so we kind of understand what we're talking
25 about. Some landmarks, I guess this is Interstate 59 right

1 here, cutting through the right-hand side; is that correct?

2 A. Yes, sir, Southwest Freeway.

3 Q. Okay. This just the greater southwest Houston part
4 of town?

5 A. Exactly.

6 Q. Now, just to -- now, I'm showing State's Exhibit
7 No. 5 on the overhead, and this is the -- this is the schematic
8 you prepared?

9 A. Yes, it is.

10 Q. All right. It's kind of tough to see. Which
11 direction is going to be, so we get our bearings, which
12 direction is going to be north?

13 A. North will be up in the diagram as you read it.

14 Q. Okay. So -- and the body would be -- you can circle
15 it. Where would the body be here?

16 A. The body, I circled it, and it is between buildings
17 20 and 21 on the walkway.

18 Q. All right. And on the upper left-hand corner there
19 appear to be a schematic of some steps; is that correct?

20 A. That's correct.

21 Q. What are those steps?

22 A. Well, those are -- those are the -- that's where
23 there's a break for the building, for the actual units, the
24 apartment units that are for the building, and I believe one of
25 those was, the upstairs one belonged to our complainant.

1 Q. Okay. Publishing State's Exhibit No. 7, what am I
2 looking at in State's Exhibit No. 7, Officer?

3 A. I took this picture towards the front of the
4 property. This is their -- at the gate of -- the entry gate to
5 the property they have a little map, so that's what this
6 picture is of, is actually the map on the front of the
7 property.

8 Q. All right.

9 A. Okay. And what you're looking at is the schematic
10 for all the buildings. And our building I believe is 20 and
11 21, so it's up at the top -- there we go -- and I just drew a
12 line between the two buildings with an arrow, the arrow points
13 to the north.

14 Q. Okay. I guess just for the purposes of the record,
15 you've drawn an arrow between some buildings that are labeled
16 D-3 and E-1; is that correct?

17 A. Well, E-2 -- E-2 is on the top of the photograph --
18 of the TV screen. E-1 is kind of to the left, and the D-3 is
19 canted at an angle to the right. So it's actually between E-1
20 and E-2 is where -- where this -- our interest is today.

21 Q. And is there a parking lot in that area?

22 A. The parking lot is to the left and to the top side of
23 the property.

24 Q. So for the purposes of the record, you've kind of
25 just drawn a circle on that little -- whoops --

1 A. There we go.

2 Q. You've -- okay. Kind of like in that -- there's a
3 line, then there's some blank space, then a line again for
4 apartment complex. For the purposes of the record, that's the
5 parking lot we're talking about?

6 A. Yes, sir. It's actually kind of like a driveway.
7 It's also where cars come in and out of the property.

8 Q. I'm showing you now what's been marked as State's
9 Exhibit No. 8. What am I looking at in State's Exhibit No. 8,
10 sir?

11 A. Okay. On the outside of building no. 21, in this
12 driveway parking lot area, along the fence line, I believe it's
13 the south side fence line, this is the complainant's vehicle as
14 it was parked when I found it.

15 Q. Okay. Now, just there's -- on the map before that we
16 saw, there's a -- the border shown by a line, but in this
17 photo, State's Exhibit 8, it appears as though there's some
18 holes in the fence; is that correct?

19 A. Yes. It's a wood privacy fence, and definitely holes
20 that you can visibly see there.

21 Q. Okay. Just from the looks, it looks as though
22 someone could come in or out through those holes?

23 A. Oh, absolutely.

24 Q. All right.

25 Showing you State's Exhibit No. 9. What am I looking

1 -- what are we looking at in State's 9, sir?

2 A. This is building nos. 21 and 20. 21 is on the left.
3 20 is on the right. And the complainant's vehicle was
4 behind -- I'm taking the picture, looking north. The
5 complainant's vehicle was just to the left and behind me, and
6 we're looking through the walkway where we will see some more
7 pictures in a minute of -- of our victim.

8 Q. Publishing State's Exhibit No. 10, what is State's
9 Exhibit No. 10, sir?

10 A. Okay. We moved a little bit further north. This is
11 that stairwell to the second floor. Actually there's four
12 apartments' entryways there, but this is that alcove where my
13 drawing stops, and this is the staircase leading to the
14 complainant's apartment.

15 Q. Okay. I'm showing you what's been entered into
16 evidence as State's Exhibit No. 16. What are we looking at in
17 State's Exhibit No. 16?

18 A. Okay, this is now looking south between the two
19 apartment buildings. We can see our complainant has been
20 covered with a sheet, and the -- there's an officer in the
21 background there kind of against the fence line, and that's
22 about where I was standing when I photographed the other way,
23 so we're now looking south through the walkway.

24 Q. At what time would she have been covered with the
25 sheet, sir, if you know?

1 A. Usually that's done -- we have a set of orders,
2 general orders they call 'em, that we -- we are recommended
3 that we conceal all bodies from public view. So the sheet was
4 how -- when I get there it's already covered up, so -- the --
5 I'm not sure the question. It was covered up before I got
6 there.

7 Q. Okay.

8 A. Okay.

9 Q. And I guess -- but you touch on a good topic. There
10 are rules and procedures that you're following in terms of
11 handling the body, correct?

12 A. Oh, yes, oh, yes.

13 Q. So that the M.E. has its responsibilities, you have
14 your responsibilities?

15 A. Absolutely.

16 Q. Why is it important that no one touch the body?

17 A. Because of trace evidence. Now with DNA and hairs
18 and fiber analysis, we have a lot of evidence that we can
19 garner from our victims, and from scenes, and we try to disturb
20 it as little as possible.

21 MR. REISS: Permission to approach the witness, your
22 Honor?

23 THE COURT: You may.

24 Q. (By Mr. Reiss) Officer, I'm handing you what I'm
25 marking as State's Exhibit No. 36. Who brought State's Exhibit

1 No. 36 to court today?

2 A. I did.

3 Q. Okay. And does it have any particular markings that
4 you'll be able to recognize it by?

5 A. Yes, multiple markings that I would recognize it by.

6 Q. Anything in particular?

7 A. On every envelope will have the case number -- at the
8 very least we'll have the case number, the date that I picked
9 it up, my name and my employee number, and what's inside it.

10 Q. Okay. Do you recall what's inside of it?

11 A. I do.

12 Q. What's inside of it?

13 A. One fired bullet.

14 Q. Can I ask you to open the envelope, please.

15 A. (Complies.)

16 Q. State's 36 same or substantially the same condition
17 as it was when you tagged it and bagged it that day?

18 A. As far as the bullet, yes. There's an extra envelope
19 in here from our crime lab, but my original packaging is also
20 there with the crime lab's initials.

21 Q. Okay.

22 MR. REISS: Tender State's 36 to Defense counsel for
23 inspection and any objection they may have.

24 (Pause.)

25 MR. REISS: I'm going to hold off on that actually,

1 your Honor.

2 Q. (By Mr. Reiss) Let's talk about ballistics at the
3 scene, if I can. Are ballistics some of the evidence you're
4 going to be looking for at the scene, sir?

5 A. Absolutely.

6 Q. What are the procedures you go back to look for
7 ballistics?

8 A. Well, initially it's a scene search. During the
9 documentation process, we have to search the scene. So, when
10 I'm dealing with an incident, whatever type of incident, I'm
11 looking for evidence. Sometimes, you know, we'll mark -- we'll
12 find things that may or may not be evidence and they end up not
13 having any evidentiary value, but we still collect it and
14 document it and all that. So, the first step is the
15 recognition of evidence, and then seeking it, and trying to
16 find it.

17 Q. All right. Let me clarify how I ask this question.
18 Did you personally find any ballistics at the scene?

19 A. No.

20 Q. Okay.

21 A. Yes.

22 Q. Were some ballistic evidence brought to your
23 attention at the scene?

24 A. Absolutely.

25 MS. SCARDINO: Objection, hearsay.

1 THE COURT: Overruled.

2 Q. (By Mr. Reiss) I'm showing you what's been introduced
3 into evidence as State's Exhibit No. 26. What is State's
4 Exhibit No. 26?

5 A. This is the fired bullet that I came in possession of
6 while at the scene.

7 Q. Okay. If you recall, do you recall who gave that to
8 you or brought that to your attention?

9 A. It was a young man that lived in the property in
10 apartment 1902, and his name was Jorge Garza.

11 Q. Okay. Now, just from the looks of it, when you saw
12 this, did you notice any blood, any sort of biohazardous
13 materials on this bullet fragment?

14 A. No, and I definitely looked for that, and no, I did
15 not.

16 Q. Okay. And when you were looking for ballistics
17 evidence, where were you -- where -- let me show this photo.
18 Back on 16. Where are you looking in State's 16 for ballistics
19 evidence?

20 A. I went from the parking lot, specifically the
21 complainant's car, all the way up the walkway, and then in the
22 area in front of her residence where that walkway was. So the
23 sidewalk, the parking lot, and the area immediately in front of
24 her apartment.

25 Q. Okay. I'm showing you State's Exhibit No. -- what's

1 been introduced as State's Exhibit No. 13. What are we looking
2 at in State's Exhibit No. 13?

3 A. This is looking towards the southwest. Her apartment
4 is upstairs to the right in front -- right behind this officer
5 that's in the right side of the picture. The complainant is on
6 the ground, to -- in the left center of the picture, and we're
7 just looking towards that direction.

8 Q. Is the bullet found in that area in front of the
9 yellow tape?

10 A. I know -- I think we have another picture that's a
11 little bit -- shows more where the young man told me he found
12 it, because it's not quite in this picture.

13 Q. Looking at State's Exhibit 12?

14 A. Yes. He said he found it --

15 MS. SCARDINO: Objection, hearsay, your Honor.

16 THE COURT: That's sustained.

17 Q. (By Mr. Reiss) Can you please identify the area
18 where -- where you got the bullet?

19 MS. SCARDINO: Your Honor, may I take him on voir
20 dire just for a moment, please?

21 THE COURT: You may.

22 VOIR DIRE EXAMINATION

23 BY MS. SCARDINO:

24 Q. Officer Duncan, did you -- did I understand you to
25 say that you did not yourself find this bullet?

1 A. That is correct.

2 Q. And that's the one we're talking about in State's
3 Exhibit -- what is it? -- 13?

4 A. I think that was the number.

5 Q. Or 26. Excuse me.

6 A. 26. Yes.

7 Q. You didn't find it, you don't know where it was
8 found, what location it was actually found, right, you
9 yourself?

10 A. I didn't find it on the ground, but I was informed
11 where it was found by the young man.

12 Q. Okay. So you didn't find it and you didn't go and
13 pick it up. The young man picked it up and brought it to you?

14 A. Exactly.

15 Q. And that would be a young man named Jorge Garza?

16 A. Yes, ma'am.

17 Q. Okay. Thank you.

18 MS. SCARDINO: That's all I have, your Honor.

19 THE COURT: You may proceed.

20 MR. REISS: May I proceed, your Honor? Thank you.

21 DIRECT EXAMINATION (CON'T)

22 BY MR. REISS:

23 Q. So basically State's Exhibit 12, it's this area in
24 front of the yellow tape?

25 A. Correct.

1 Q. Okay. Were -- were you looking for ballistics like
2 on the -- anywhere above if there were any -- you know, a
3 bullet could have ricocheted. Were you looking up there?
4 Where else were you looking?

5 A. Yes. It's not just what's on the ground, we
6 always -- we always look up. I'm looking for bullet strikes.
7 I mean, it would be nice to find casings. The cartridge, when
8 the bullet's fired, there might be on some types of weapons
9 casings left at the scene which hold the bullet, I'm obviously
10 looking for those, and those are generally on the ground, but
11 we're also looking for bullet strikes where a bullet may have
12 gone and come into contact with, you know, a vertical surface.
13 So absolutely that's part of my search.

14 Q. Okay. Showing you again State's Exhibit No. 5. See
15 on State's Exhibit No. 5, on your schematic you've written some
16 numbers. What do those numbers represent?

17 A. They represent the evidence that I did find at the
18 scene.

19 Q. Okay. If you recall, what is No. 5 and No. 6?

20 A. Those were U.S. currency dimes. So they're dimes.

21 Q. Those were found near the body?

22 A. Actually one was near the body and one was actually
23 under the body.

24 MR. REISS: May I approach the witness, your Honor?

25 THE COURT: You may.

1 Q. (By Mr. Reiss) Does this have any -- who brought
2 State's Exhibit No. 37 and 38 to court today?

3 A. I brought this envelope to court.

4 Q. Okay. Did it have any unique markings on it that you
5 recognize?

6 A. Yes, it does.

7 Q. Okay. What are those unique marks, sir?

8 A. Several. One is the stickers that are affixed to the
9 outside of the bag by the property room. On the inside are my
10 collection evidence bags which has all my information on it,
11 just like the fired bullet, the case number, date, what it is,
12 who found it, which was of course me, and then on the outside
13 of the bag where it's sealed has my initials, my employee
14 number, and the date I did it.

15 Q. Okay. Could I ask you to open that up for me,
16 please.

17 A. (Complies.)

18 Q. Okay. No. 5, there's all in one baggie. Can you
19 open up -- well, this other bag, does this other baggie have
20 unique markings on it that you recognize?

21 A. Absolutely. I marked everything.

22 Q. Could I ask you to open up this baggie as well?

23 A. I can.

24 Q. Thank you.

25 A. (Complies.)

1 Q. Okay. I'm labelling No. 37 -- on No. 5 I'm labelling
2 State's Exhibit No. 38. On No. 6 I'm going to label the baggie
3 in which those two came in as 37-A.

4 Do you recognize the contents of 37 and 38, sir?

5 A. I do recognize the contents as State's Exhibit No. 37
6 and 38.

7 Q. Are they in the same or substantially the same
8 condition that they were on the day that you bagged and tagged
9 them?

10 A. I believe they are.

11 MR. REISS: Tendering 37, 38, 37-A to Defense counsel
12 for inspection.

13 MS. SCARDINO: No objection, your Honor.

14 THE COURT: They'll be admitted without objection.

15 MR. REISS: Permission to publish, your Honor?

16 THE COURT: You may.

17 Q. (By Mr. Reiss) Officer, what -- where was No. 5
18 found, sir?

19 A. No. 5 was found just south of the complainant, the
20 victim in this case, on the ground.

21 Q. Okay. And 38 was found where?

22 A. 38 was at, my evidence No. 6, that was found
23 underneath the body.

24 Q. All right. And it looks like there's some -- 38 was
25 found underneath the body?

1 A. Yes.

2 Q. Okay. Did you do anything to -- did you take any
3 samples or do anything to these? Were you looking for anything
4 when you collected these in particular?

5 A. Yes, I did.

6 Q. Okay. What did you do?

7 A. I was looking for trace evidence, DNA, and I collect
8 that DNA sample with a sterile cotton tip swab, distilled
9 water, and I swab both those dimes independently and in the
10 hopes that might identify someone that had handled those coins.

11 Q. Okay. Where are those swabs now?

12 A. Right now technically they're in the property -- our
13 property room.

14 Q. You just didn't bring 'em today, right?

15 A. Yes. I didn't -- I did not bring the swabs.

16 Q. Okay. So you looked for ballistics evidence and
17 got -- got the thing the boy gave you, right?

18 A. Correct.

19 Q. You took the dimes. And please tell the ladies and
20 gentlemen of the jury what numbers 1, 2, 3, and 4 represent in
21 terms of numbers.

22 A. Okay. Next to the sidewalk there was some loose
23 dirt, and it wasn't like mud or hard packed, so anyone that had
24 stepped in those -- those areas, left footprint s. 1, 2, 3,
25 and 4 were footwear impressions that I could not identify, you

1 know, I couldn't -- you know, look at them and see if they were
2 police officers or -- there was a sister of the complainant
3 that was there, and I saw her footwear impressions in the dirt,
4 but these were four impressions that I did not have the
5 matching shoe to, so I photographed them and did some other
6 things with them.

7 Q. I'm not going to show all these, but State's Exhibit
8 No. 30, which is no. 3, were these -- now, when you took these
9 impressions, how did you go about taking these impressions?

10 A. Okay, I did it two ways. The first through
11 photographs, took a series of photographs, not just this
12 overall type of picture, but took others. In addition, I used
13 a casting compound, we call it Denstone. It's kind of like a
14 dental mold. If you've ever had your teeth molded by an
15 orthodontist, it's the same kind of material. So I made
16 castings of these four impressions.

17 Q. State's Exhibit No. 28, what is that a photo of?

18 A. This is -- this is footwear mark no. 1 in the
19 diagram, and this is again one of the unknown, had a chevron or
20 a zig-zag type of household pattern. And this is just no. 1.
21 The last one was no. 3 or 4.

22 Q. State's Exhibit No. 29?

23 A. There's no. 2.

24 Q. State's Exhibit No. 31?

25 A. And that's no. 4.

1 Q. Okay.

2 Let's talk about the body here. I'm showing you what
3 has been marked and introduced into evidence as State's Exhibit
4 No. 17. What are we looking at in State's Exhibit No. 17, sir?

5 A. Okay. This, obviously the sheet has been removed, so
6 this is the complainant as we found her. And you will also see
7 no. 1 and no. 2 in the background, those are the footwear
8 impressions, that blob, for lack of a better term, of kind of
9 -- and the white substance, that's that Denstone that lifts the
10 impression off the ground. And then we have the -- the dime,
11 and marked no. 5.

12 Q. Okay. Let me talk to you a little bit about -- now
13 again, you're not touching the body, correct?

14 A. Right. Yes, that is correct.

15 Q. Okay. But you were able to make certain observations
16 about her body just by photographing her, correct?

17 A. Oh, absolutely.

18 Q. All right. Were her shoes on or were her shoes off?

19 A. She was wearing little flip-flops, and they were both
20 on her feet.

21 Q. When you saw her, her pants were zipped or unzipped?

22 A. They were -- they were zipped and buttoned.

23 Q. Shirt was down by her waist, it wasn't pulled up or
24 anything?

25 A. No, sir.

1 Q. Okay. Did you look at her hands?

2 A. I looked at 'em, but again, you know, you can kind of
3 see how they're closed. But the M.E. has that responsibility.
4 So, yes, I did look at them, but I did not open them up and
5 examine them closely.

6 Q. Was there any -- did you observe any finger scrapings
7 or blood or anything like that in the ground?

8 A. There was no blood. There didn't seem to be any
9 motion around the body that would indicate that there was any
10 kind of motion. So, no, I did not see any marks in the ground
11 or blood transfers or anything that indicated any sort of
12 motion after the incident occurred, after the shooting.

13 Q. What do you mean by blood transfer, sir?

14 A. Well, if you're injured, you get a bloody nose and
15 you -- playing ball or you -- you get injured, and you move
16 from where the injury occurred to the kitchen sink, you're
17 going to leave a blood trail. You might drip blood. You might
18 -- when you touch the injured part with your hand, then you
19 touch the counter, the sink to turn the water on, all those
20 events are post-incident artifacts that occur after a blood
21 letting event.

22 In this case, when the blood letting event occurred,
23 which is basically the shooting, there was none of that. I did
24 not see any blood trails or anything to indicate that it
25 happened, this incident happened anywhere but exactly where you

1 saw it, that when she was injured, she collapsed.

2 Q. Okay. I'm showing you State's Exhibit No. 18. What
3 am I looking at? What are we looking at in State's Exhibit
4 No. 18, sir?

5 A. Well, obviously it's a close-up of our victim.
6 Specifically you have the pool of blood, which is the draining
7 of the blood from the injury site, and you can see the injury
8 in the neck.

9 Q. All right. And so we're clear, we're talking about
10 it's on the right side of the neck?

11 A. The right side of the neck, right under the mandible,
12 the jaw.

13 Q. Okay. Did you observe any bruising on the left side
14 of her face?

15 A. No, no.

16 Q. Looking at State's Exhibit No. 19, what are we
17 looking at in State's Exhibit No. 19?

18 A. Okay, this is a close-up photograph of the actual
19 entrance wound underneath the neck.

20 Q. All right. And any particular observations you made
21 about State's Exhibit No. 19?

22 A. We can do distance determinations to figure out how
23 far a weapon may have been held from an individual that was
24 injured, and what you see here is soot and smoke that has
25 scorched the -- around the entry wound. And so that means it's

1 a close contact, it's within probably an inch. The M.E.'s much
2 better saying --

3 MS. SCARDINO: Objection, your Honor. I don't
4 believe this gentleman has been qualified as an expert to give
5 any ballistics evidence. That's outside his responsibility.
6 He's a crime scene unit officer.

7 THE COURT: I think he was explaining that, but I'll
8 have you stop there.

9 THE WITNESS: Yes, ma'am.

10 MR. REISS: I'll move on, your Honor.

11 Q. (By Mr. Reiss) In general, was there a lot of
12 evidence at that crime scene?

13 A. No. It was lacking in this particular incident.

14 Q. Okay. When you say lacking, what do you mean?

15 A. There just wasn't a lot of evidence. Even -- I don't
16 want to say small -- smaller incidents, I usually come back to
17 the office with a little bit more in tow, physical property in
18 tow. In this case, I had four footwear impressions, two dimes,
19 a bullet, and a couple of swabbings from the dimes, and that
20 was it.

21 MR. REISS: Can I have one moment, your Honor?

22 THE COURT: Sure.

23 MR. REISS: Thank you.

24 (Pause.)

25 MR. REISS: Your Honor, I'm going to pass the

1 witness.

2 THE COURT: Cross-examination.

3 MS. SCARDINO: Yes, ma'am.

4 CROSS-EXAMINATION

5 BY MS. SCARDINO:

6 Q. Officer Duncan, my name is Katherine Scardino. We
7 haven't met before I don't believe, have we?

8 A. I don't think so.

9 Q. Over the years maybe?

10 A. It's possible.

11 Q. Officer, you say in this particular scene, it's
12 unusual, is it not, in your field, because there is a lacking
13 of evidence. Would that be a fair statement?

14 A. In volume, yes.

15 Q. What do you mean "in volume"?

16 A. Well, you know, no two crime scenes are the same, but
17 coming home, coming back to our office with just six or
18 seven pieces of evidence is not significant. You know, I've
19 gone to scenes where I've collected hundreds of pieces of
20 evidence.

21 Q. And a couple of those pieces of evidence that you
22 brought back to the office out of the six or seven that you
23 brought you made yourself, like the diagram and the --

24 A. Oh, well, certainly, I do that on every scene.

25 Q. Did you do that Google map thing, or was that the

1 prosecutor?

2 A. No, that was the prosecutor.

3 Q. Okay. But you -- you said you found a fired
4 bullet -- well, Mr. Garza brought you a fired bullet?

5 A. Correct.

6 Q. And do you know that that is the bullet that was -- I
7 mean, do you have any way of knowing that, where the bullet
8 came from?

9 A. Actually, no.

10 Q. You don't, do you?

11 A. No.

12 Q. And so what you also brought back to the lab with
13 you, or to your office, wherever you -- where do you work, in
14 the --

15 A. Well --

16 Q. -- main HPD building?

17 A. Yes. 1200 Travis.

18 Q. Okay. And so you brought back a couple of dimes?

19 A. Yes.

20 Q. Do you -- did you send those off for testing, for
21 fingerprints or blood or anything?

22 A. Well, I process for DNA myself.

23 Q. You did that?

24 A. Yes.

25 Q. All right. And you found what?

1 A. I'm not the chemist that does the DNA analysis so --

2 Q. Okay. So all you did was do the --

3 A. The collection.

4 Q. The collection.

5 And you also -- did you put anything on it to produce
6 any DNA if there was any there?

7 A. Yes. I used sterile cotton tip swabs and distilled
8 water, moistened the swabs, swabbed the item, allow them to air
9 dry, package them in paper and send them to the lab.

10 Q. And without saying what any result is, do you know
11 whether or not there is a result off any of the swabbings that
12 you did?

13 A. I do not have a --

14 Q. Just yes or no, if you know.

15 A. I have been told yes.

16 Q. And other than those two dimes, then we have some
17 footprints. And you made the casting for the footprints; is
18 that correct?

19 A. Yes, ma'am.

20 Q. And what did you do with those?

21 A. Those also went to the property room.

22 Q. Are they still in the property room?

23 A. Oh, yes.

24 Q. They're not here in this courtroom? I'm sorry?

25 A. No, no. There was nothing to match them to, so --

1 Q. So that's a non-piece of evidence, along with -- if
2 there's no DNA on the dimes or no blood on the dimes, that
3 doesn't tell us much, does it, other than dimes were laying on
4 the floor?

5 MR. REISS: I'm going to object to the form of the
6 question. It was a compound question.

7 THE COURT: Sustained to compound.

8 Q. (By Ms. Scardino) Well, hypothetically speaking, if
9 there's no blood or DNA on those dimes, they're not worth much
10 to this jury to help resolve any issue they might have, right?

11 MR. REISS: Objection, argumentative, invades the
12 province of the jury as the fact finder.

13 THE COURT: Sustained as to argumentative.

14 Q. (By Ms. Scardino) Did those dimes or those footprints
15 or that bullet help you, assist you in your investigation?

16 A. Well, in my investigation, yes.

17 Q. How so?

18 A. It -- because that's part of my process, as far as
19 collecting evidence and documenting it. So, I find the pieces,
20 but I don't put the piece together, so that question's better
21 asked of the investigators.

22 Q. Okay. So, you got whatever there was to get on the
23 scene and came back to your -- to the police department?

24 A. Absolutely.

25 Q. All right. Thank you, sir.

1 MS. SCARDINO: I'll pass the witness.

2 MR. REISS: Nothing further.

3 THE COURT: Thank you, Officer.

4 May this officer be excused?

5 MR. REISS: He can be excused, but I think we want --

6 THE COURT: We'll keep you on call. You can leave
7 today but stick around. Thank you.

8 THE WITNESS: I understand. Thank you.

9 THE COURT: Call your next.

10 MS. FULLER: The State would call Lauralee Veitch.

11 THE COURT: You may proceed.

12 MS. FULLER: Thank you, your Honor.

13 THE COURT: Do you need a break?

14 A JUROR: Now or soon.

15 THE COURT: Let's take a break.

16 (Break.)

17 (Open court, defendant present.)

18 (Jury in.)

19 THE COURT: All right. You may be seated.

20 You may proceed.

21 MS. FULLER: Thank you, your Honor.

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