

1 sworn, testified as follows:

2 DIRECT EXAMINATION

3 QUESTIONS BY MR. HENDERSON:

4 Q. Can you introduce yourself to the jury?

5 A. I am Deputy Donna Garcia with the Harris  
6 County Sheriff's Office.

7 Q. And what position do you hold at the  
8 sheriff's office?

9 A. I am an accident investigator.

10 Q. And how long have you been an accident  
11 investigator?

12 A. Since '07, about five years.

13 Q. And do you have to have any special training  
14 to be an accident investigator?

15 A. Yes, sir.

16 We go through extensive training to be  
17 an accident investigator -- I have drawn a blank for a  
18 second. The school that we go through, we study  
19 through Northwestern for their formulas for  
20 calculating speed and distance, how to read evidence  
21 on roadways, yaw marks, skid marks, how to measure  
22 crush on a vehicle to determine speed, to determine  
23 the direction of travel that they were going in. It  
24 is actually how to break down an accident after it  
25 occurs and figure out what happened prior to that is

1        what the training entails.

2            Q.    And were you an accident investigator on the  
3        night of October 16th, 2010?

4            A.    Yes, sir.

5            Q.    And were you called to the intersection of  
6        Kuykendahl and Demontrond?

7            A.    I was.

8            Q.    And what did you do when you first got to  
9        that scene?

10          A.    Well, I arrived at the scene about an  
11        hour-and-a-half after the crash had happened because I  
12        was on a previous arrest. So by the time that I got  
13        to the scene, everything was settled and calmed down;  
14        and the lead investigator was on the scene and one or  
15        two other deputies when I --

16          Q.    I am sorry.

17          A.    Go ahead.

18          Q.    And so when you first get on to the scene,  
19        what are your tasks when you first get there?

20          A.    Well, we figure out who is going to be the  
21        lead investigator, that is the person who is going to  
22        be in charge of the scene; and once we figured that  
23        out, then we determine who is going to do what task.

24                    All of these scenes involving serious  
25        bodily injury or death, we take pictures. We draw

1 scale maps. We record all of the scene evidence with  
2 a total station. We do a roadway skid test. We  
3 decide who is going to do what task.

4 Q. And what task did you do that night?

5 A. I operated the total station and in turn  
6 constructed an actual accident situation map. I also  
7 did the skid test.

8 Q. Now, can you explain to the jury what the  
9 total station is?

10 A. The best way that I can explain it to you --  
11 and maybe you might be familiar -- is if you have ever  
12 been driving down the road; and it may be a  
13 construction site and you see a man or a woman that is  
14 standing on the side of the road with a piece of  
15 equipment that is sitting on top of a tripod; and then  
16 down the road, you see another guy that is holding a  
17 stick just randomly out there, if you have ever seen  
18 that, that is a total station. It is the exact same  
19 thing of what we use.

20 Q. And why do you use the total station?

21 A. The total station, what it does is it is  
22 going to give you a to-scale drawing. The total  
23 station is set up in one location, and then you have  
24 all of your points of evidence and your roadway.

25 You take that stick or prism, and you

1 put it over top of each point of evidence and also  
2 each point of the roadway. That total station sends  
3 out a laser type beam to the prism, and then that  
4 information comes back, and it records exactly where  
5 that mark is. Then you can, in turn, download that  
6 information into a software that will put it on a map.

7 Q. Now, can you do all of this by yourself?

8 A. It takes at least two people. You need one  
9 person on the prism and one person operating the total  
10 station with the system that we have.

11 Q. And who operated the total station?

12 A. I operated the total station.

13 Q. Who operated the prism?

14 A. Deputy Thomas.

15 Q. And now once you gathered all of this  
16 information, what happens to it then?

17 A. Like I said, after we record all of the  
18 evidence, then I take the station to the office. I  
19 plug it into a desk top computer where there is the  
20 software. FX software is what we use. It downloads  
21 those points of evidence into raw data which that is  
22 going to show you a sheet of just little dots all over  
23 the place of everything that you recorded, and then  
24 you can ask the software to connect points that have  
25 the same description.

1                   When I am taking the -- when I am  
2 recording the information, when it sets up on a spot;  
3 and I tell it to record. Once I get the point back,  
4 then I enter it; and then I name it. I call it either  
5 EP for edge of pavement or a scrape or a gouge or  
6 whatever it might be, but they are all named the same.

7                   So one gouge, the front and end of it  
8 will be called gouge. The next one will be Gouge 1.  
9 So I can tell the software to connect each like points  
10 with a line, and it will draw lines, and then you can  
11 change colors or whatever to color code your map.

12                   MR. HENDERSON: Your Honor, may I  
13 approach?

14                   THE COURT: You may.

15                   Q. (By Mr. Henderson) Deputy Garcia, I am  
16 showing you what has been previously marked as  
17 Exhibit 2.

18                   Do you recognize this document?

19                   A. I do.

20                   Q. And without going into its contents, can you  
21 tell us what it is?

22                   A. This is the accurate accident situation mark  
23 for the 12900 block of Kuykendahl Road.

24                   Q. Does it accurately depict the scene as you  
25 saw it on that night?

1 A. Yes, sir.

2 Q. Is it drawn to scale?

3 A. Yes, sir.

4 Q. Has it been unfairly altered or changed in  
5 any way?

6 A. No, sir.

7 MR. HENDERSON: Your Honor, at this time,  
8 I move to admit Exhibit 2 into evidence.

9 I am tendering it for defense counsel's  
10 objections.

11 MR. GLASS: Judge, I have previously seen  
12 the document; and I have no objection.

13 THE COURT: State's 2 is admitted.

14 MR. HENDERSON: Your Honor, may the  
15 witness step down?

16 THE COURT: Yes.

17 Q. (By Mr. Henderson) Deputy Garcia, can you  
18 explain the map to us and how exactly it works?

19 MR. GLASS: Your Honor, may we move this  
20 back a little bit?

21 I don't want to block any of the jurors,  
22 and I would like to be able to see it during  
23 questioning.

24 THE COURT: All right.

25 MR. GLASS: Thank you.

1           A.    This is the intersection of Kuykendahl Road,  
2           and this is Demontrond. Kuykendahl runs north and  
3           south. These being the northbound lanes. These are  
4           the southbound lanes, and Demontrond runs east and  
5           west.

6           Q.    (By Mr. Henderson) Okay; and so where each  
7           item inside the legend is blotted on the map, that is  
8           where the prism would be placed, correct?

9           A.    Yes.

10          Q.    And so where would your total station be  
11          marked?

12                       Where would you have placed the total  
13          station?

14          A.    It is not marked on here, but I believe that  
15          I was standing in this area. It is on the raw data  
16          exactly where it was. I believe that I was in this  
17          area right here.

18                       MR. HENDERSON: I have no further  
19          questions, Your Honor. I will pass the witness, Your  
20          Honor.

21                       THE COURT: Did you pass?

22                       I am sorry.

23                       MR. HENDERSON: Yes.

24                       MR. GLASS: I have no questions of this  
25          witness.