

1 Call your next witness.

2 MS. ASSAAD: State calls Officer Elizabeth
3 Gemmill.

4 THE COURT: And I'm sorry. May this
5 witness be excused?

6 MR. GODINICH: Yes, Your Honor.

7 THE COURT: Thank you, sir. You may step
8 down and you're excused.

9 MS. ASSAAD: State calls Officer Elizabeth
10 Gemmill.

11 THE BAILIFF: This witness has not been
12 sworn.

13 THE COURT: If you will step forward and
14 raise your right hand.

15 (Witness sworn.)

16 THE COURT: You may proceed.

17 MS. ASSAAD: Thank you, Your Honor.

18 **OFFICER ELIZABETH GEMMILL,**

19 having been called as a witness and being first duly
20 sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. ASSAAD:**

23 Q. Officer, will you please state your name for
24 the record?

25 A. Officer Elizabeth Gemmill.

1 Q. And where are you employed?

2 A. I'm with the Houston Police Department,
3 Southwest Division.

4 Q. Are you a certified peace officer in the state
5 of Texas?

6 A. Yes, ma'am, I am.

7 Q. How long have you been a certified peace
8 officer?

9 A. For over three years now.

10 Q. Have you spent those three years with the
11 Houston Police Department?

12 A. Yes, ma'am.

13 Q. Is that often referred to as HPD?

14 A. Yes, ma'am.

15 Q. Okay. Were you working on the evening of
16 March 31st of 2014?

17 A. Yes, ma'am, I was.

18 Q. And are you assigned to a specific part of town
19 or are you citywide?

20 A. No, ma'am. I work 15 to 16 District, which is
21 the southwest part of Houston.

22 Q. What drew your attention to -- if you'll look
23 at State's Exhibit No. 7, this is a Shell gas station
24 (indicating).

25 A. Yes, ma'am.

1 Q. Are you familiar with this Shell gas?

2 A. Yes, ma'am, I am.

3 Q. Did you go to that Shell gas station on
4 March 31st of 2014?

5 A. Yes, ma'am, I did.

6 Q. Why did you do that?

7 A. My sergeant told me on the radio, my partner
8 and I, to check by with Officers Cullen and Valdez at
9 that gas station.

10 Q. Is that Cullen Duncan?

11 A. Yes, sir -- yes, ma'am. I'm sorry. Yes.

12 Q. So did you then check by?

13 A. Yes, I did.

14 Q. What did you see when you arrived at the Shell
15 gas station?

16 A. Officers Duncan and Valdez had two males
17 detained in the backseat of their patrol car. They had
18 a vehicle they had stopped on traffic in front of their
19 patrol car. I mean, they were doing -- it basically
20 looked like they had done a traffic stop.

21 Q. And did you interact with Officer Duncan
22 regarding evidence that was recovered in that case?

23 A. Yes, ma'am, I did. Officer Duncan released the
24 narcotics evidence to me so I may take it to the
25 narcotics lab and tag it as evidence.

1 Q. Did you then tag that evidence?

2 A. Yes, ma'am, I did.

3 Q. What is the process of tagging evidence?

4 A. We take custody of the evidence, whether it be
5 an officer releasing custody of the evidence to us or
6 gathering it from our own case, traffic stop or
7 whatever. We then transport the narcotics to 61
8 Riesner, which is Property at the Houston Police
9 Department. We proceed to the floor which the narcotics
10 lab is at. We take our narcotics to a window where
11 there is some narcotics officers. They then weigh our
12 evidence and give us the weight of those drugs.

13 We proceed to the computers located in the
14 area and open up a system where we enter the weights and
15 the type of narcotics that we're tagging. We place them
16 inside a yellow envelope. We fill out forms that are on
17 the envelope, along with the forms we print from the
18 computer. We sign those. We tape the envelope, sign
19 them with our signature and the date that we recovered
20 the narcotics and that we're tagging them, and then we
21 give those to the narcotics officers where they drop
22 them into a metal box.

23 Q. And once you took custody of the narcotics in
24 this case, did you hand them off to any other officer
25 before you had them weighed at Reisner and you submitted

1 them?

2 A. No, ma'am. I maintained custody of the
3 narcotics until I tagged them.

4 Q. Why do you then seal the bags? What is the
5 significance of that?

6 A. The significance of sealing the bags and
7 signing it is so we know whether or not the seal has
8 been broken, if anybody else has, like, accessed the
9 evidence.

10 MS. ASSAAD: Your Honor, may I approach the
11 witness?

12 THE COURT: You may.

13 Q. (By Ms. Assaad) I'm showing you what's been
14 marked State's Exhibit No. 11 and State's Exhibit 14.
15 What do these appear to be (indicating)?

16 A. These are envelopes similar to the ones that we
17 use at the narcotics lab with my handwriting on it,
18 tagging narcotics evidence from that case off of the
19 South Loop with the defendant's name, Lawrence Glover,
20 and a suspect name Williams on this envelope. Both of
21 my handwriting and signature.

22 Q. What is this number that is in yellow
23 (indicating)?

24 A. This one right here (indicating)?

25 Q. Yes, ma'am.

1 A. It appears to be the case number.

2 Q. Does that match up with the case number that is
3 assigned to Lawrence Glover's offense report?

4 A. Yes, ma'am.

5 Q. And is that how you track evidence that is
6 assigned to a specific case?

7 A. Yes, ma'am.

8 Q. Is that a nine-digit unique number?

9 A. Yes, ma'am.

10 Q. Where do you see your signature on State's
11 Exhibits 11 and 14?

12 A. Right here at the bottom where it asks for the
13 officer's signature (indicating).

14 Q. And I'm going to flip it over. Do you see
15 another signature as well (indicating)?

16 A. Yes, ma'am. Those are my initials.

17 Q. This is your initials across the seal
18 (indicating)?

19 A. Yes, ma'am, across the seal.

20 Q. What is the date?

21 A. The 31st of March, 2014.

22 Q. Why is that written across the seal?

23 A. It shows the day that the narcotics were
24 tagged.

25 Q. And you were the one who personally sealed it?

1 A. Yes.

2 Q. These bags are open. Were you present when
3 these bags were opened?

4 A. Yes, I was.

5 Q. Who opened the bags?

6 A. You and I did.

7 Q. When did we do that?

8 A. Like 30 minutes ago.

9 Q. And did you watch the pieces of evidence that
10 were taken out of the bags?

11 A. Yes, ma'am.

12 Q. Did you make sure that we kept the proper
13 evidence in each bag?

14 A. Yes, we made sure we kept them separate.

15 Q. Out of State's Exhibit No. 11, I am pulling
16 State's Exhibits 13 and 12. What do these appear to be
17 (indicating)?

18 A. These appear to be Xanax tablets in a plastic
19 bag and this appears to be a cigarette box (indicating).

20 Q. And the Xanax is State's Exhibit 12 and the
21 cigarette box is 13?

22 A. Yes, ma'am.

23 Q. And out of State's Exhibit 14, I am retrieving
24 State's Exhibits 15, 16, and 17. What does Exhibit 15
25 appear -- what does that look like (indicating)?

1 A. Fragments of a green material. It's like
2 wrapped in 13 pieces of plastic. I can't really tell.
3 It's like little green pieces of -- I don't know.

4 THE COURT: Officer, even though you're
5 talking to the prosecutor who is standing right next to
6 you, if you could keep your voice up. The jurors at the
7 very end need to be able to hear you.

8 THE WITNESS: Oh, okay. I'm sorry. I
9 didn't realize I was talking low.

10 Q. (By Ms. Assaad) Are these baggies with little
11 green substance inside of it, do you recognize that as
12 one of the pieces of evidence that Officer Duncan gave
13 you on scene?

14 A. Yes.

15 Q. And State's Exhibit 16, what do you recognize
16 that to be (indicating)?

17 A. It appears to be marijuana.

18 Q. And State's Exhibit 17 (indicating)?

19 A. It's a black case with a zipper.

20 Q. Are all of the articles that were contained in
21 the evidence bags in substantially the same condition
22 that they were in when you tagged them in on March 31st
23 of 2014?

24 A. Yes, ma'am.

25 MS. ASSAAD: Pass the witness.

1 THE COURT: Mr. Godinich?

2 MR. GODINICH: Thank you, Your Honor.

3 **CROSS-EXAMINATION**

4 **BY MR. GODINICH:**

5 Q. Officer Gemmill?

6 A. Yes, sir.

7 Q. Just a few questions.

8 And maybe I misheard something earlier. I
9 thought I heard the prosecutor ask if you had weighed
10 the evidence. Did you do that?

11 A. No. We give them to narcotics officers and
12 they weigh the evidence.

13 Q. That's what I thought, but I wasn't sure. I
14 misheard it.

15 So if I understand you correctly, Officer
16 Gemmill, you received this evidence on March 31st of
17 '14, right?

18 A. Yes, sir.

19 Q. You put it in the envelopes, correct?

20 A. Yes, sir.

21 Q. And then you tendered it to the lab for
22 testing?

23 A. We take the narcotics to the narcotics lab
24 where we weigh them. We then place them in the
25 envelopes, seal them, give them back to the narcotics

1 officers, where they place them in a metal box. From
2 there, they get sent to the lab.

3 Q. Okay. So you didn't weigh them, but somebody
4 else did?

5 A. Right. We give them to narcotics officers and
6 they weigh them on a scale.

7 Q. And then did you actually see the envelopes
8 when they were tendered to the drop box for narcotics?

9 A. Yes. It's right behind them, so we watch them
10 drop it in the box.

11 Q. Okay. So when did you retrieve the envelopes
12 or -- when did you next time retrieve the envelopes?

13 A. From the -- from her in that office back there.
14 She asked me if the signatures were the same and...

15 Q. Okay. So you didn't retrieve the envelopes,
16 somebody else had?

17 A. Yes.

18 Q. Okay. So this is -- so since March 31st of
19 2014, this is the first time you're again looking at the
20 envelopes?

21 A. Yes, sir.

22 Q. Okay. That's all. I just needed that
23 clarification.

24 And so you haven't seen it in between?

25 A. No, sir, I haven't.

1 MR. GODINICH: Okay. Pass this witness.

2 THE COURT: Anything further?

3 MS. ASSAAD: No further questions.

4 THE COURT: May this witness be excused?

5 MR. GODINICH: Yes, Your Honor.

6 MS. ASSAAD: Yes.

7 THE COURT: Thank you, ma'am. You may step
8 down and you're excused.

9 THE WITNESS: Thank you.

10 THE COURT: And the jury's lunch is either
11 here or will be here in a minute or two, so I'm going to
12 go ahead and break for lunch.

13 You may go with the bailiff.

14 (Open court, defendant present, no jury.)

15 THE COURT: Thank you. Be seated. We'll
16 be in recess.

17 (Lunch recess.)

18 (Open court, defendant and jury present.)

19 THE COURT: Thank you. Please be seated.

20 Ms. Assaad, you may proceed. Call your
21 next witness.

22 MS. ASSAAD: Thank you, Your Honor. State
23 calls Angelica Noyola.

24 THE BAILIFF: This witness has been sworn.

25 THE COURT: Thank you.

1 I think you'll be able to hear better now.
2 We worked on the microphones during the break.

3 You may proceed.

4 MS. ASSAAD: Thank you, Your Honor.

5 **ANGELICA NOYOLA,**

6 having been called as a witness and being first duly
7 sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MS. ASSAAD:**

10 Q. Would you please introduce yourself for the
11 record?

12 A. My name is Angelica Noyola.

13 Q. Where are you employed?

14 A. I'm employed with the Houston Forensic Science
15 Center.

16 Q. What is your educational background?

17 A. I have a bachelor's in biochemistry and
18 biophysical sciences from the University of Houston.
19 And I also have intensive training with the Houston
20 Forensic Science Center.

21 Q. And you said Houston police {sic}. What is the
22 other name that is the Houston Forensic Science Center?

23 A. Right. Since April of 2014 -- before that we
24 were City of Houston or City of Houston Police
25 Department Crime Lab, but after April of 2014, last