

1                                   **OFFICER REX GIGOUT,**  
2 having been first duly sworn, testified as follows:

3                                   **DIRECT EXAMINATION**

4 BY MR. WAKEFIELD:

5           Q.       Good afternoon. Can you introduce yourself to  
6 this jury?

7           A.       I'm Rex Gigout. I'm a Houston police officer.

8           Q.       How long you have been with HPD?

9           A.       Twenty-nine years next month.

10          Q.       What has been your duties since you've been  
11 with the Houston Police Department?

12          A.       Except for seven months working the jail, I've  
13 been in patrol the entire time. I've been --

14          Q.       Sorry. Go ahead.

15          A.       -- a field training officer and evaluation  
16 officer since 1990. Since August 2010, I've been in  
17 photography and fingerprint in addition to patrol.

18          Q.       Can you explain to the jury what an FTO is?

19          A.       It's -- well, technically HPD doesn't use that  
20 term, but it's a generic term. Field training officer.

21          Q.       What does it mean?

22          A.       It means train the rookies, the probationary  
23 police officers when they're out of the academy.

24          Q.       How long have you been an FTO?

25          A.       Since April 1990.

1 Q. Now, you mentioned that you had recently  
2 started doing photography and fingerprinting. Can you  
3 explain to the jury how that works?

4 A. On the patrol level, I'm not what you'd call  
5 CSI, the generic term. I'm still a first responder. I  
6 still run patrol calls, but when someone needs photography  
7 or fingerprinting, I'll leave my designated beat, if you  
8 will, if necessary, to perform those tasks.

9 Q. How long have you been fulfilling that role  
10 with HPD?

11 A. Since August 1st of 2010. I'm not sure.

12 Q. Did you go through any training on how to  
13 become a police photographer.

14 A. Christopher Duncan is a crime scene unit  
15 officer. He's a nationally known instructor in police  
16 photography and he works for Houston Police. And at the  
17 academy, I've had his total 40 hours of training. The  
18 first three days are the basic police photography, and  
19 then there's two, maybe three days of -- they call it  
20 advanced police photography, but it involves a lot of low  
21 light, nighttime.

22 Q. On August 15th of 2011, where were you working?

23 A. I was working central patrol.

24 Q. Were you called out to a scene that day?

25 A. I was.

1 Q. Was it a robbery/sexual assault case?

2 A. That's correct.

3 Q. Now, were you one of the ones who was like sent  
4 over there to be a first responder, or were you requested  
5 specifically to come to the scene?

6 A. As well as I recall, I was requested  
7 specifically because of the nature -- nature of the  
8 evidence that needed to be collected.

9 Q. When you arrived at the location, what did you  
10 observe? Were there multiple officers there already?

11 A. There were. There were multiple officers.  
12 There were people all over the place. I later determined  
13 there were several complainants.

14 Q. Okay. When you reached the scene, what was  
15 your goal as far as your investigation at that scene?

16 A. I was advised that -- well, first of all,  
17 pictures because a home invasion, by definition, requires  
18 pictures. You can't get a crime scene unit, a camera  
19 unit. And also there were ligatures. People had been  
20 tied up with what turned out to be mostly shoelaces and  
21 other types of restraints. And, so, I collected those.  
22 Also I checked for fingerprints.

23 Q. When you say with a ligature mark, explain to  
24 the jury what a ligature means? What does it look like?

25 A. Like if you wear a belt too tight, or something

1 like that, a bra strap, I mean, where it leaves a mark  
2 around something. It's, I guess, a technical term.

3 Q. Did you observe that on some of the  
4 complainants that day?

5 A. I did on one of them, yes.

6 Q. Which apartment was the actual event happening?  
7 Do you remember which apartment it was?

8 A. Apartment No. 3.

9 Q. Did go and do a tour of that apartment?

10 A. Yes.

11 MR. WAKEFIELD: Approach the witness,  
12 Judge?

13 THE COURT: Sure.

14 Q. (By Mr. Anderson) I'm approaching with what's  
15 pre-marked as State's Exhibit No. 7. Is this a fair and  
16 accurate depiction of the layout of the apartment,  
17 Apartment No. 3, that you went to?

18 A. It looks like it, yes.

19 MR. WAKEFIELD: I offer State's Exhibit 7  
20 into evidence, Judge, and I'd request to display it  
21 to the jury.

22 (State's Exhibit No. 7 offered.)

23 MR. ANDERSON: No objection, Your Honor.

24 THE COURT: Admitted.

25 (Whereupon State's Exhibit No. 7 is

1 admitted into evidence.)

2 (By Mr. Wakefield) Would you mind stepping down off  
3 of the stand real quickly?

4 MR. WAKEFIELD: Judge, may he enter the  
5 well?

6 THE COURT: Sure.

7 A. (Witness complies).

8 Q. (By Mr. Anderson) Can you explain to the jury  
9 what we're looking at here?

10 A. Okay. This is the front door of the apartment.  
11 This is the kitchen. These are more or less bedrooms,  
12 although this one is more of an office. This one has like  
13 futons on the floor.

14 MR. WAKEFIELD: Your Honor, for  
15 demonstrative purposes, may I write on this exhibit?

16 THE COURT: Yes.

17 Q. (By Mr. Anderson) All right. This is the  
18 kitchen?

19 A. That is the kitchen.

20 Q. And you said this is the door, the door that  
21 comes from the outside?

22 A. That's the front door, correct.

23 Q. What is this room here?

24 A. I guess you would call it the living room, den.

25 Q. Okay. Now, is this a hallway here, this little

1 area there?

2 A. That's how I remember it.

3 Q. Okay. And then you said this and this were  
4 bedrooms?

5 A. By design, it appeared to be bedrooms.

6 Q. Okay. The door was open to this little area  
7 right here. Was this a door here?

8 A. A doorway, yes.

9 Q. Is that a bathroom?

10 A. I think so. That's how I recollect.

11 Q. This is -- I'm looking at the middle and  
12 there's two lines kind of going to bedroom one. Is that  
13 the doorway there?

14 A. Yes.

15 Q. All right. And then here, also -- I've just  
16 made an arrow there. Here is also another doorway that  
17 goes into bedroom two; is that correct?

18 A. That's correct.

19 Q. All right. Now, at this time, I'm showing you  
20 what has been pre-marked as State's Exhibits 8 through 41  
21 and also State's Exhibits 65 through 70. Do you recognize  
22 these photographs?

23 A. Yes.

24 Q. Are these photographs all fair and accurate  
25 depictions of what you observed that night at the

1 location?

2 A. I believe so. Without looking through them,  
3 I'm assuming they are in the proper sequence and they are  
4 the same ones I looked at before.

5 MR. WAKEFIELD: Offer State's Exhibits 8  
6 through 41 and 65 through 70.

7 (State's Exhibit No. 8 through 41,  
8 65 through 70 offered.)

9 MR. ANDERSON: Can I take the witness on  
10 voir dire?

11 THE COURT: Beg your pardon?

12 MR. ANDERSON: May I take the witness on  
13 voir dire?

14 THE COURT: For what purpose?

15 MR. ANDERSON: To ask him to actually look  
16 at the photograph and make sure these are accurate  
17 representations of --

18 THE COURT: All you have to do is object  
19 and then he'll have to look at them.

20 MR. ANDERSON: Take a look at them.

21 THE WITNESS: Yes, sir.

22 (Pause)

23 THE WITNESS: Yes, these are all -- I  
24 recorded all of these images.

25 MR. WAKEFIELD: I'd reoffer all of those

1 exhibits, Judge.

2 MR. ANDERSON: Just a minute, Judge.

3 (Pause)

4 MR. ANDERSON: No objection, Your Honor.

5 THE COURT: Admitted.

6 (Whereupon State's Exhibit Nos. 8-41  
7 and 65-70 are admitted into  
8 evidence.)

9 MR. WAKEFIELD: I'd offer to display to  
10 the jury, Judge.

11 THE COURT: Give them to the bailiff.

12 MR. WAKEFIELD: I want to use the Elmo, if  
13 that's all right.

14 THE COURT: That's fine.

15 Q. (By Mr. Anderson) I'm now showing you what's  
16 been pre-marked as State's Exhibit 8.

17 THE COURT: Officer, you have a screen  
18 right here.

19 THE WITNESS: Oh, yes.

20 Q. (By Mr. Anderson) Now, can you tell us what  
21 we're looking at right here?

22 A. Okay. That is a stairwell leading upstairs  
23 toward the -- toward Apartment 3, which is a second-floor  
24 apartment.

25 Q. If I was standing outside of the apartment

1 complex looking in, is that what I would look at outside  
2 the apartment complex, like looking through the front  
3 door?

4 A. Facing that individual building from the  
5 street, you wouldn't see that, I don't believe.

6 Q. But, actually, like in front of the front door?

7 A. In front of that particular little section of  
8 the building, yes.

9 Q. Now, to the left and the right of what we are  
10 looking at here, are those other apartments?

11 A. Yes.

12 Q. Are those other apartments, are they the ones  
13 that were involved in this robbery? I'll ask it another  
14 way.

15 Is the actual one we're talking about, is it upstairs  
16 and not on this floor?

17 A. That is correct. I'm thinking that's ground  
18 level. We need to go up the stairs to see Apartment 3.

19 Q. The next one is State's Exhibit 9. That's  
20 going upstairs?

21 A. That's correct.

22 Q. State's Exhibit 10, is that the top floor of  
23 the apartment complex?

24 A. That is.

25 Q. State's Exhibit 11, and we're looking, looks

1 like the left on the stairs and then right on the stairs;  
2 is that correct?

3 A. One was more straight up the stairs and then  
4 the camera is moved -- I panned to the right, that's  
5 correct.

6 Q. What apartment does State's Exhibit 12 show?

7 A. That's Apartment 3.

8 Q. Is that the door, the one that's on the bottom  
9 right-hand corner of State's Exhibit 7 here?

10 A. That's correct.

11 Q. Okay. And you are basically looking at the  
12 door with your camera?

13 A. That's correct, the partially opened door.

14 Q. What are we looking at here, State's Exhibit  
15 13?

16 A. Okay. There I've pushed the door to my left to  
17 the more open position, and I stepped a little closer.  
18 The lens is on a wide angle. And, so, we are looking at a  
19 good bit of -- a good bit of that front room.

20 Q. From the point of my pen here, is that -- I'm  
21 pointing toward the middle of the far wall of the living  
22 room. Is that about right?

23 A. That's correct. Maybe not straight across,  
24 maybe just a little bit...

25 Q. Okay. Next one, State's Exhibit 14. Now what

1 are we looking at here?

2 A. Okay. That's the front -- like facing out  
3 toward the courtyard. You see there's a painting or a  
4 tapestry. At least one of the residents of the apartment  
5 is quite the artist. So, she's got numerous paintings.  
6 But that's like bicycle storage there ready to go out the  
7 front door and the front window. That's to the left as  
8 you're walking into the living room.

9 Q. So, my pen is pointing kind of down toward the  
10 bottom of the living room. Is that kind of the direction  
11 we are looking?

12 A. That's correct.

13 Q. All right. It looks like that's the same guy  
14 that was in the right side of the last photograph on  
15 State's Exhibit 15. Is that correct?

16 A. That's correct.

17 Q. Now, which wall are we looking at?

18 A. That's straight across.

19 Q. Okay. So, I'm pointing my pen towards the far  
20 wall?

21 A. That's correct.

22 Q. Okay. Now what are we looking at?

23 A. Okay. There I've panned more -- that's  
24 correct.

25 Q. Is that television there, is that in between

1 the kitchen, kind of the wall between the kitchen and the  
2 hallway there?

3 A. That's correct. In fact, the kitchen can be  
4 seen at the extreme right.

5 Q. Is that this door here to the --

6 A. That's more of the kitchen. There we go.  
7 That's more of the kitchen showing.

8 Q. All right. So, we are kind of looking like  
9 this direction?

10 A. That's correct.

11 Q. All right. And, finally, what are we looking  
12 at here?

13 A. That is looking into the kitchen with the --  
14 with the wall visible.

15 Q. Okay. And my arrow is pointing to the door  
16 like this?

17 A. That's correct.

18 Q. All right. What am I looking at here?

19 A. That's back -- that's looking from that front  
20 room into that little hallway or vestibule -- not  
21 vestibule. Whatever you call it. A tiny little junction  
22 there.

23 Q. Okay. That right there?

24 A. Yes.

25 Q. All right. Which room is that?

1 A. That bedroom right there.

2 Q. So, are you looking in bedroom one there?

3 A. That's correct.

4 Q. Okay. State's Exhibit 20. All right. Now  
5 what are we looking at again?

6 A. That's correct, I just stepped a little closer.

7 Q. I'm kind of looking -- my point is looking  
8 straight through the door?

9 A. That's correct.

10 Q. All right. Same room towards --

11 A. Yes.

12 Q. Is it just from the doorway looking at the rear  
13 wall?

14 A. Yes.

15 Q. Okay. Looking at the corner of that bedroom?

16 A. That's correct.

17 Q. That's State's Exhibit 22.

18 MR. WAKEFIELD: Next one, please.

19 Q. (By Mr. Wakefield) And State's Exhibit 23, am I  
20 looking pretty much at the top wall of bedroom one?

21 A. That's correct. And it includes the closet  
22 door, but that closet is swung open.

23 Q. The closet in the top of the drawing here?

24 A. That's correct.

25 Q. All right. Now what are we looking at inside

1 of bedroom one?

2 A. Basically, the same -- the same view, except I  
3 tilted the camera downward to take in more of what's on  
4 the floor.

5 Q. All right. Can you tell us what we are looking  
6 at?

7 A. That's a sleeping bag. That's some shoes,  
8 personal effects, wallet. The wallet, the contents are  
9 visible. And it looks like at the extreme left you are  
10 starting to see like a mattress or a futon type of pad.

11 Q. That shoe I see in the center of that exhibit,  
12 that shoe doesn't have any shoelaces in it?

13 A. No.

14 Q. All right. Now what are we looking at?

15 A. That's back at the corner. That's right,  
16 correct.

17 Q. In the center of the room?

18 A. That's correct. Just looking down, looking  
19 downward into that corner.

20 Q. All right. What is that that looks like it's  
21 along the top of the room there? What is that thing?  
22 Like a mattress?

23 A. Yes. That's more of the same one visible in  
24 the previous image.

25 Q. What are those two little white things that are

1 kind of in the center of the room there? One has a knife  
2 on it. What are those?

3 A. That's shoelaces, what appear to be shoelaces.

4 Q. What's 26 a picture of?

5 A. That's a shoe with its laces removed and  
6 shoelaces next to it.

7 Q. Also in bedroom one?

8 A. Yes.

9 Q. State's Exhibit 27. Is that a close --

10 A. Knives and shoelaces. I've just moved a little  
11 closer.

12 Q. Again, we are still in bedroom one here looking  
13 right there in the middle?

14 A. Yes.

15 Q. All right. We're on State's Exhibit 28 now.  
16 Also in the same room?

17 A. Yes.

18 Q. It's a shoelace?

19 A. Yes.

20 Q. What is this one? This is State's Exhibit 29.

21 A. Luggage and clothing.

22 Q. Is that kind of like right here in the -- near  
23 the door in bedroom number one?

24 A. I believe so, yes.

25 Q. All right. Now what are we looking at?

1           A.       Now I've backed out of bedroom one to take in  
2 part of the view. I've tied it together so that it's kind  
3 of a transition, but towards the left of the image is  
4 bedroom two.

5           Q.       So, it's kind of like this pointing toward the  
6 little juncture between the two rooms?

7           A.       That's correct. The effect is to kind of make  
8 the camera flow to tie things together. It's like  
9 note-taking with pictures.

10          Q.       All right. Now what are we looking at?

11          A.       That's a bit more into bedroom two.

12          Q.       Are we kind of looking toward the back corner  
13 there?

14          A.       That's correct.

15          Q.       All right. State's Exhibit 32. What's that  
16 one?

17          A.       It's still in that bedroom. I just moved my  
18 camera downward.

19          Q.       It looks like there's a lot of items that are  
20 strewn about in this room; is that correct?

21          A.       That's correct.

22          Q.       Does that room have more items than any of the  
23 other rooms that are kind of strewn around like that?

24          A.       It does.

25          Q.       State's Exhibit 33. Also in the same room?

1 A. Correct.

2 Q. State's Exhibit 34. Is that on the bed that's  
3 in bedroom two?

4 A. That's correct.

5 Q. State's Exhibit 35. It looks like there's a  
6 little bit of a bed and also some drawers that have been  
7 pulled out?

8 A. That's correct.

9 Q. State's Exhibit 36. Is that a stereo that's  
10 been turned over?

11 A. Looks like it, yes.

12 Q. Okay. And State's Exhibit 37. Now what are we  
13 looking at from this angle?

14 A. Okay. We're in the corner. On the exhibit,  
15 it's going to be the lower left corner there looking back  
16 towards the bathroom.

17 Q. Okay. This way?

18 A. That's correct.

19 Q. It's looking from that corner all the way to  
20 the bathroom in the middle?

21 A. That's correct.

22 Q. Okay. Now, what is -- what are we looking at  
23 in this exhibit, State's Exhibit 38?

24 A. Okay. I've gone back into bedroom one to get  
25 close-ups. I've put the little -- I've added index cards

1 folded like a little tent so that I can -- so that as I  
2 collect evidence, this is like Item No. 1, Item No. 2, and  
3 so forth.

4 Q. Okay. What are we looking at in this  
5 particular photograph? What is the jury looking at?

6 A. Okay. That's shoelaces being used for another  
7 purpose other than to secure shoes. The knives belong to  
8 the household. Those are not weapons. Those were used,  
9 as I understand it, to cut shoelaces.

10 Q. All right. I'm approaching with State's  
11 Exhibit 44. Do you recognize this parcel?

12 A. I do.

13 Q. Whose signature are these here?

14 A. Those are my initials.

15 Q. Is this substantially the same as it was the  
16 day you had it last?

17 A. Correct.

18 Q. How do you know that?

19 A. Well, because it's sealed. It's got my  
20 initials, R. G. That's how I normally sign my evidence.

21 Q. Can you open it up for us?

22 A. Sure. (Witness complies.)

23 Q. Now, what is that?

24 A. Okay. It's a ziplock bag.

25 Q. I'm actually, for purposes of the record,

1 putting a State's Exhibit 43 sticker on this particular  
2 bag.

3 A. It's marked No. 1 to correspond to the evidence  
4 tent, if you will, No. 1.

5 Q. And is it substantially in the same condition  
6 as the day you tagged it into evidence?

7 A. It is, yes.

8 MR. WAKEFIELD: At this time, I offer  
9 State's Exhibits 43 and 44 into evidence.

10 (State's Exhibit No. 43 and 44  
11 offered.)

12 MR. ANDERSON: No objection, Your Honor.

13 THE COURT: Admitted.

14 (Whereupon State's Exhibit Nos. 43  
15 and 44 are admitted into evidence.)

16 Q. (By Mr. Wakefield) This is State's Exhibit 39.  
17 Can you tell us what we are looking at here?

18 A. Shoelaces.

19 Q. I'm approaching with what's been pre-marked as  
20 State's Exhibit 46. Do you recognize this package?

21 A. I do.

22 Q. Does this have your signature on it as well?

23 A. It does.

24 Q. Is this bag in substantially the same condition  
25 as it was when you tagged it into evidence?

1 A. Yes.

2 Q. Would you open it for us, please?

3 A. (Witness complies).

4 Q. Can you tell the jury what this is?

5 A. This is a ziplock bag containing what looks to  
6 be those exact same shoelaces marked No. 2 that correspond  
7 to the evidence tent No. 2.

8 Q. Are these shoelaces in substantially the same  
9 condition as they were the day you tagged them into  
10 evidence?

11 A. Yes.

12 MR. WAKEFIELD: I'm marking this bag with  
13 State's Exhibit 45 and offer it into evidence as  
14 State's Exhibits 46 and State's Exhibit 45.

15 (State's Exhibit No. 45 and 46  
16 offered.)

17 MR. ANDERSON: No objection, Your Honor.

18 THE COURT: Admitted.

19 (Whereupon State's Exhibit Nos. 45  
20 and 46 are admitted into evidence.)

21 (By Mr. Wakefield) Can you tell us what we are  
22 looking at in State's Exhibit 40 here?

23 A. Another shoelace.

24 Q. Does that appear to be a shoe without its laces  
25 that is next to it?

1 A. That's correct.

2 Q. Is that how you found those particular items?

3 A. That's correct.

4 Q. I'm approaching with State's Exhibit 42. Do  
5 you recognize it with your signature?

6 A. Yes.

7 Q. Is it in substantially the same condition as it  
8 was when you tagged it into evidence?

9 A. Yes.

10 Q. Please open it.

11 A. (Witness complies).

12 Q. Can you tell us what this is that you found  
13 inside?

14 A. Shoelaces of the type shown there, No. 3 to  
15 correspond to evidence tent 3.

16 Q. Are these in substantially the same condition  
17 as it was the day you put them into evidence?

18 A. Yes.

19 MR. WAKEFIELD: Marking them as State's  
20 Exhibit 47 and offering State's 42 and 47 into  
21 evidence.

22 (State's Exhibit No. 42 and 47  
23 offered.)

24 MR. ANDERSON: No objection.

25 THE COURT: Admitted.

1 (Whereupon State's Exhibit Nos. 42  
2 and 47 are admitted into evidence.)

3 (By Mr. Wakefield) Now, in State's Exhibit 41 -- in  
4 State's Exhibit 41, explain to the jury what we are  
5 looking at.

6 A. Okay. That's -- that's an image showing the  
7 three evidence tents in place.

8 Q. And is this image what was taken out of bedroom  
9 one?

10 A. That's correct.

11 Q. Now, when you were at the scene, did you take  
12 any photographs of any of the people that were involved?

13 A. Yes.

14 Q. Okay. Do you remember who you met?

15 A. Well, other than the gentleman in the earlier  
16 images, I never became acquainted with him. I met -- I  
17 knew her as Noelle, which I believe is her middle name,  
18 Ms. Parks, I believe. My memory is Noelle. That's how  
19 she introduced herself.

20 Q. I'm now showing you State's Exhibit 70. Is  
21 that Noelle?

22 A. Yes.

23 Q. Where is she sitting in the house?

24 A. That's in the front room near the corner.

25 Q. I'm showing you State's Exhibit 65. Tell us

1 what we are looking at.

2 A. I've approached Noelle closer to show the  
3 ligature marks on her arm. It's a normal procedure when I  
4 shoot images of a person to show their whole body and then  
5 move in closer progressively so that it's obvious that I'm  
6 showing the same person's body parts.

7 Q. I guess as we are looking there, it looks to be  
8 -- it looks like a forearm and it looks like there are  
9 cuts right there towards the middle and back down toward  
10 there throughout the arm; is that right?

11 A. That's correct.

12 Q. State's Exhibit 66. What are we looking at  
13 here?

14 A. That's a little bit closer, same thing.

15 Q. See some lines here across the top. Looks like  
16 straight lines across the arm; is that correct?

17 A. Right, ligature type marks.

18 Q. State's Exhibit 67. That's tough to see.

19 A. The projector's light is a little harsh, but  
20 that's getting a little bit closer. The same injuries,  
21 same marks.

22 Q. Looking at some redness right there. Is that  
23 about right?

24 A. That's correct.

25 Q. Over here towards the bottom?

1           A.       That's correct. I think the prints will be  
2 clearer when the jurors look at them. Not that harsh  
3 washout of the light.

4           Q.       And State's Exhibit 68, what are we looking at  
5 here?

6           A.       She's rolled her arm to show the inner part of  
7 her arm a little better.

8           Q.       Is this a red mark that I'm pointing at down  
9 the axis of the forearm there?

10          A.       It appears that way, yes.

11          Q.       And then here across the wrist?

12          A.       That's correct.

13          Q.       And, finally, up here in the top of the forearm  
14 you see some cuts or something?

15          A.       That's correct.

16          Q.       And, lastly, State's Exhibit 69. That looks to  
17 be another forearm picture.

18          A.       The same thing from another angle, yes.

19          Q.       And these little red marks there?

20          A.       That's correct.

21          Q.       Now, after taking photographs of the scene,  
22 what did you do next?

23          A.       Okay. I collected the shoelaces, as we've  
24 already covered. I also applied fingerprint powder to a  
25 lacquered finished jewelry box that had been possibly

1 handled by the suspect.

2 Q. Were you able to pull any fingerprints from  
3 that scene that day?

4 A. I was not successful.

5 Q. Can you explain to the jury why you were not  
6 able to pull any fingerprints from that scene? What was  
7 stopping you from finding fingerprints all over the place?

8 A. Well, the obvious one is if the suspects wore  
9 gloves or some other covering on their hands. The other  
10 thing is just the characteristics of the surface. Like I  
11 probably could not get a fingerprint off of this unless it  
12 was polished just a little bit more. This wood here, even  
13 less successful. Lacquer finishes sometimes work pretty  
14 well because it's a very nonporous smooth surface. So, I  
15 gave it a try.

16 Q. Were you successful at getting any fingerprints  
17 from that particular item?

18 A. Not successful.

19 Q. All right. After you had tried to take the  
20 fingerprints, did you do anything else at the scene that  
21 day?

22 A. I'm sorry. I've been awake for more than 30  
23 hours.

24 Q. If you -- if you don't remember, that's fine.

25 A. It was not really my job to interview anyone,

1 it was just to collect evidence. So, nothing else comes  
2 to mind at the moment. Obviously, I go back to the  
3 station, I upload my images -- there's a memory card in  
4 the camera. I upload the images into the proprietary  
5 system called Dataworks. It's straight out of the camera  
6 jpegs. And I don't do any Photo Shop or anything like  
7 that. It's just the image as the camera has recorded it.  
8 And I go to the property room and submit the envelopes or  
9 the items that are put into the envelopes.

10 Q. Did that conclude your investigation in this  
11 particular offense?

12 A. I believe so, yes.

13 Q. Let me ask you this. Whenever you do an  
14 investigation like this where you collect evidence, and  
15 you look for fingerprints, and you take photographs, is it  
16 common for you to make an offense report to show that  
17 you've done these things?

18 A. If I'm not entering the original report -- in  
19 this case, another officer was doing an original report.  
20 I enter what is called a supplement report. It's typed  
21 into the system in the same way, but it's just slightly  
22 different screens in the menu that are selected.

23 Q. All right. In this particular offense, did you  
24 draft a supplement?

25 A. To the best of my recollection, I did, but the

1 system does not have my supplement report in it for some  
2 reason.

3 Q. All right.

4 A. Technical or human failure. I can't say.

5 MR. WAKEFIELD: Pass the witness.

6 **CROSS-EXAMINATION**

7 BY MR. ANDERSON:

8 Q. In terms of a supplement report disappearing  
9 from this system, does it happen on a regular basis?

10 A. Irregular basis, but it has -- I have had to  
11 reenter reports or supplements from notes. It has  
12 happened.

13 Q. Now, I take it at some point in time you went  
14 searching for your supplement and discovered that it was  
15 not in the system, correct?

16 A. When Assistant D. A. Wakefield asked me where  
17 it was, I went and looked and it's nowhere to be found.

18 Q. After discovering that it wasn't there, did you  
19 go back to your notes or try to locate your notes to see  
20 if you had the notes in order to re-enter your supplement  
21 into the system?

22 A. I found no notes. But at this scene,  
23 especially when I take this many detailed images, and I  
24 haven't gathered that many pieces of physical evidence, in  
25 essence my images are my notes, and it is a permanent

1 record of what I did.

2 Q. And let's talk about some of the things that --  
3 and images you recorded that night. And correct me if I'm  
4 wrong, but the reason that you took the number of  
5 photographs that you took was because, at least as far as  
6 your interpretation of what had happened, those images  
7 appear to be important to have some type of record made,  
8 and that's why you took those photographs?

9 A. That's correct.

10 Q. Now, in some of the photographs, it appears to  
11 be some area where you have some drawers that appear to  
12 have been pulled out, correct?

13 A. Correct.

14 Q. And I believe there was also one photograph  
15 that appeared to have a stereo in it. I believe the  
16 question the State asked you was: Does it appear to have  
17 been turned over? Do you recall that?

18 A. Yes.

19 Q. Now, I take it you took a picture of that  
20 stereo, a picture of those drawers because you felt there  
21 may be something relevant or important regarding those  
22 areas in that apartment?

23 A. Well, in general, I want my photographs to  
24 cover any place where the suspects supposedly were, and  
25 also just a general disorder in detail to show -- to try

1 to indicate whether it's poor housekeeping, or deliberate  
2 actions, or whatever.

3 Q. Now, you talked about, in terms of your search  
4 for latent fingerprints, that you dusted a lacquered  
5 jewelry case because you believed that may have been  
6 something that may have been handled by the suspects that  
7 were in that apartment.

8 A. That's correct.

9 Q. All right. And at least from what I  
10 understand, there were no prints found on that lacquered  
11 jewelry case?

12 A. That's correct.

13 Q. Did you attempt to locate prints on the  
14 pulled-out drawers that are depicted in several of the  
15 photographs that you took?

16 A. Mostly not. Once again, because of the texture  
17 of the surface. I'm looking for smooth, something also  
18 that's reasonably been handled by the suspects as it's  
19 been relayed to me by at least one of the complainants.  
20 Because in a living space, fingerprints are everywhere. I  
21 buy my own tape. I would run out of tape trying to print  
22 every surface in an apartment. I have to prioritize.

23 Q. In looking at a scene -- and, again, I take it  
24 because you took the photograph of what appeared to be  
25 pulled-out drawers, apparently you thought something was

1 relevant or important about that. Did you make any effort  
2 to examine it, whether it was with tape or fingerprint  
3 powder, to see if, perhaps, by happenstance someone left  
4 some prints on those drawers?

5 A. I was looking for that, but I need a smooth  
6 surface. Wood generally is not smooth enough, unless it's  
7 a finish like a urethane or a lacquered finish had been  
8 applied to it. Also, the things like doorknobs and drawer  
9 pulls and so forth, if they have a brushed metal finish,  
10 that's also not going to yield a fingerprint. And I'm  
11 looking for bright, shiny things. I'm looking for -- my  
12 dream is to find a water glass or a wine bottle that the  
13 suspect has taken. Those are -- glass is the best and  
14 everything else is a step down from that.

15 Q. But the items that you talked about in terms of  
16 whether it's smooth or not smooth, there are circumstances  
17 where, in fact, an effort is made to try and see if a  
18 print is located on that particular item, correct?

19 A. Well, yes. I visually scan, and if surfaces  
20 are smooth enough, it's worth applying powder.

21 Q. By looking at -- whether you are talking about  
22 a rough area or a smooth area, if you use your naked eye,  
23 you wouldn't necessarily see a fingerprint, a latent print  
24 on that particular item, right?

25 A. Wouldn't necessarily see it, but the surface

1 has to be what I can use. It's graphite powder, it's  
2 black powder. It's tape similar to scotch tape. I mean,  
3 in hindsight, I guess I could have brought some of it and  
4 done a demonstration, but a surface is not just -- with  
5 technology that I've heard about from a crime scene  
6 officer, one can get fingerprints off a golf ball, but it  
7 involves painting something, for example, that can follow  
8 all those cracks and crevices.

9 Q. So, there's technology, there's a method to  
10 examine a surface to determine if there is or may be some  
11 print that might be relevant to a particular  
12 investigation, correct?

13 A. That's correct, but I've only been trained with  
14 black powder at this point.

15 Q. Were you the only officer who was called out to  
16 the scene to either take photographs or to look for  
17 fingerprints?

18 A. Yes, to my knowledge.

19 Q. And I would take it that there are other  
20 officers who are assigned to the Houston Police Department  
21 that may have a little more experience or a little more  
22 training than what you have?

23 A. That is correct.

24 Q. Usually those persons are assigned to what they  
25 call the Crime Scene Unit?

1 A. That's correct.

2 Q. All right. And really speaking, the only way  
3 you can determine whether a particular surface either has  
4 fingerprints on it or doesn't have fingerprints on it is  
5 to examine that particular surface, correct?

6 A. That would be correct.

7 Q. Okay. I mean, if you don't do anything to the  
8 surface, you won't know for certain whether or not it had  
9 any fingerprints on it or did not have any fingerprints on  
10 it?

11 A. Well, that is true. I guess the way to say  
12 this is many surfaces will -- a fingerprint will be there,  
13 but how can I make it visible and how can I make it show.

14 Q. The way to do that would be to use whatever  
15 technology that you have that would, I guess, enhance --

16 A. That's correct. I mean, like a certain popular  
17 TV show, you can basically build a vapor barrier and  
18 squirt super-glue into it and prints will show up on any  
19 number of items.

20 Q. We've talked about the drawers that were pulled  
21 out. We also talked about the photograph that had the  
22 stereo that the State said was turned over. Again, that  
23 was not like the drawers. I take it you didn't examine  
24 that to see if there were any prints on that?

25 A. I do believe that stereo had what we call

1 graphite. One of my teachers, I guess, who taught me a  
2 few things about fingerprinting called it a frosted finish  
3 that most electronics have. It will not -- it's  
4 impossible to get a print from a frosted finish. Like her  
5 laptop will have that. Where I just touched, that's  
6 frosted, it's textured. There will be a print, I probably  
7 left a print, but -- I didn't maybe touch it hard enough,  
8 but I could not get a print with black powder. I can't  
9 see a print there. And if I put black powder on it, I  
10 wouldn't see the print. It's a hostile surface, if you  
11 will.

12 Q. All right. But, again, in order to determine  
13 whether or not there's a print, you have to examine it, at  
14 least make some effort to try and see if it may be  
15 conducive to leaving a print?

16 A. Well, once again, it's my experience with  
17 various surfaces.

18 Q. Your experience told you, even though you took  
19 a photograph of it, that you weren't going to find any  
20 kind of print on that?

21 A. Just visually scanning the -- the stereo, for  
22 example, would not be a fruitful place to find prints.

23 Q. All right. What about the doors, walls, did  
24 you examine those? I'm not saying that you dusted them  
25 for prints, but did you go around and examine them to see

1 if they may be conducive to examination for latent prints?

2 A. I can't say for sure. I don't have a  
3 supplement report to tell me if I may have applied powder  
4 to doorknobs, but that is a place I would look.

5 Q. But at least, I take it, what's certain is that  
6 no prints were -- as far as you know, no prints that -- no  
7 prints were submitted for examination purposes out of  
8 Apartment No. 3 as far as this investigation was  
9 concerned?

10 A. That's correct.

11 Q. And you were the only officer that was called  
12 out there for that particular purpose, to see if there  
13 were, in fact, fingerprints that might be relevant to the  
14 investigation?

15 A. That's correct.

16 Q. You took a photograph of Noelle Parks. Did you  
17 take photographs of any of the other individuals that was  
18 connected with Apartment No. 3?

19 A. No, I did not. They left.

20 Q. So, they were gone when you arrived?

21 A. They were there when I arrived, presumably. I  
22 saw many people. I mean, an incident like this draws  
23 friends, family, but the only complainant that was still  
24 around after I finished photographing was Noelle. She was  
25 the only one. The others were gone.

1 Q. All right.

2 A. I'm sorry. I'm tired.

3 MR. ANDERSON: I'll pass the witness.

4 Thank you, sir.

5 MR. WAKEFIELD: Nothing further, Judge.

6 THE COURT: You may step down. Thank you.

7 MR. WAKEFIELD: The State calls Officer  
8 Reese.

9 THE BAILIFF: This witness needs to be  
10 sworn in, Judge.

11 (Whereupon the witness is sworn by  
12 the Court.)

13 **OFFICER PAUL REESE,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 BY MR. WAKEFIELD:

17 Q. Please introduce yourself to the jury.

18 A. My name is Paul Reese.

19 Q. Mr. Reese, what do you do for a living?

20 A. I'm a police officer with the Houston Police  
21 Department.

22 Q. How long have you been with HPD?

23 A. Thirty years.

24 Q. What position do you currently hold within the  
25 Houston Police Department?