

1 MR. GILLIAM: No, Your Honor, I do
2 not.

3 THE COURT: Please call your first
4 witness.

5 MR. GILLIAM: State calls Maranda
6 Harper.

7 THE COURT: All right. Please
8 raise your right hand.

9 *(Witness sworn.)*

10 THE COURT: Have a seat, please.
11 You may proceed.

12 **MARANDA HARPER,**
13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MR. GILLIAM:**

16 Q. Ms. Harper, will you please introduce
17 yourself?

18 A. My name is Maranda Harper. I'm a latent
19 print examiner at the Harris County Sheriff's
20 Department.

21 Q. How long have you been a latent print
22 examiner at the Harris County Sheriff's Department?

23 A. I've been working with Harris County for
24 almost a year.

25 Q. And did you do anything before you

1 started working for Harris County?

2 A. Yes, I did. I began processing items of
3 evidence for latent prints in approximately 2006,
4 and I began working with latent prints in the
5 laboratory setting in approximately 2009.

6 Q. What are your job duties as a latent
7 print examiner?

8 A. As a latent print examiner, I look at
9 items of evidence for latent impressions. I
10 determine if those latent impressions are of value.
11 I can then search those impressions or compare those
12 impressions. I write reports based on my findings
13 and testify as needed.

14 Q. What training and background do you have
15 that qualifies you as an expert in the area of
16 fingerprint examination?

17 A. I have a Bachelor's degree from Auburn
18 University. I have a Master's of Science degree
19 from the University of Bradford in the United
20 Kingdom. I've also attended two years of training
21 at the Federal Bureau of Investigation Latent Print
22 Section, as well as several other week-long classes
23 in the advanced examination of latent prints.

24 Q. Have you testified in court before as an
25 expert in the area of fingerprint identification?

1 A. Yes, I have.

2 Q. Has that been on few or many occasions?

3 A. Many.

4 Q. Will you explain to us what is a
5 fingerprint?

6 A. A fingerprint is simply the ridges on
7 the end joints of your finger. There's raised areas
8 which we call the ridges, and the lower areas
9 valleys.

10 Q. And in your experience and educational
11 background, have you ever found two people to have
12 the same fingerprint?

13 A. No two people have been found to have
14 the same fingerprint.

15 Q. Have you ever heard of any two people
16 having the same fingerprints?

17 A. No.

18 Q. Will you explain to us what an inked
19 print is?

20 A. An inked print is the reproduction of
21 those friction ridges on the end joint of the
22 finger. It's usually done by applying printer's ink
23 on a white background.

24 Q. And is it possible to compare two inked
25 prints to determine if they belong to the same

1 individual?

2 A. Yes, it is.

3 Q. I'm going to show you what I've marked
4 as State's Exhibit No. 14 through State's Exhibit
5 No. 22. So 14 through 22, and then State's Exhibit
6 No. 28. Have you viewed these prior to your
7 testimony today?

8 A. Yes, I have.

9 Q. And will you tell us what State's
10 Exhibits No. 14 through 22 and 28 are?

11 A. We have judgments as well as jail cards.

12 Q. And what are jail cards?

13 A. Jail cards are taken when someone is
14 booked into and released from jail.

15 Q. What kind of -- are there fingerprints
16 on those jail cards?

17 A. Yes, there are.

18 Q. And what's a J&S? What's a J&S?

19 A. It's a record of judgment when someone's
20 convicted of a crime.

21 Q. Do those judgment and sentences contain
22 fingerprints?

23 A. Yes, they do.

24 Q. And then do you also have a pen packet
25 up there with you?

1 A. That's correct.

2 Q. And will you explain to us what a pen
3 packet is?

4 A. A pen packet is much the same as a
5 judgment. It's when someone has been to state jail.

6 Q. And do pen packets contain fingerprints?

7 A. Yes, they do.

8 Q. And prior to your testimony today, did
9 you obtain an inked fingerprint from the defendant?

10 A. I obtained two inked fingerprints from
11 the defendant.

12 Q. And is the -- do you see the defendant
13 or the person you obtained the fingerprints from in
14 the courtroom today?

15 A. Yes, I do.

16 Q. Will you identify him by where he's
17 sitting and an article of clothing?

18 A. He has on a maroon or dark purple shirt
19 with stripes on it.

20 MR. GILLIAM: Your Honor, may the
21 record reflect the witness identified the defendant?

22 THE COURT: It will so reflect.

23 Q. (By Mr. Gilliam) After you obtained the
24 inked fingerprint from the defendant, were you able
25 to compare it to the inked fingerprints contained in

1 State's Exhibits 14 through 22 and State's Exhibit
2 No. 28?

3 A. Yes, I was.

4 Q. And were you able to determine if you
5 could make a match between the two?

6 A. Yes, I was able to.

7 Q. And let's start with State's Exhibit
8 No. 15. Were you able to determine if that
9 fingerprint matched the defendant?

10 A. Yes, it did.

11 Q. And State's Exhibit No. 16?

12 A. Yes, it was a match.

13 Q. How about State's Exhibit No. 17?

14 A. Yes, it was also a match.

15 Q. And looking at State's Exhibit No. 18,
16 were you able to make a determination based on the
17 fingerprint in that judgment and sentence?

18 A. Yes, this was also an identification.

19 Q. How did you make that identification?

20 A. I made this identification using the
21 jail card.

22 Q. So do -- explain to us, do the jail
23 cards correspond with the judgment and sentences, at
24 least from Harris County?

25 A. Yes, they do.

1 Q. And turning to State's Exhibit No. 19,
2 were you able to make a match as to the defendant on
3 State's Exhibit No. 19?

4 A. Yes, I was.

5 Q. And how about State's Exhibit No. 20?

6 A. This was also an identification.

7 Q. And State's Exhibit No. 21?

8 A. This print I also used the jail card.

9 Q. And were you able to make a match --
10 positive identification of the defendant?

11 A. Yes, I was.

12 Q. And then turning to State's Exhibit
13 No. 22, were you able to make a match based on the
14 fingerprints in that exhibit?

15 A. Yes, I was.

16 Q. And did -- who do they belong to?

17 A. The defendant.

18 Q. And, finally, on State's Exhibit No. 28,
19 were you able to make a match on those fingerprints?

20 A. I was also able to make a match on this
21 one.

22 MR. GILLIAM: Your Honor, at this
23 point in time I would offer State's Exhibits No. 15
24 through 22 and State's Exhibit No. 28 into evidence.
25 I'm tendering to Defense counsel. And State's

1 Exhibit No. 14 as well, Your Honor.

2 (Defense counsel reviewing
3 exhibits.)

4 MR. SCOTT: May we approach, Your
5 Honor?

6 THE COURT: You may.

7 (Proceedings at the bench:)

8 MR. SCOTT: Judge, we would object
9 to No. 28 being the fact that it's a judgment and
10 sentence which is on appeal. It's not a final
11 conviction. I think that's the one that we've
12 talked about earlier. We would object to that as
13 being introduced as it is not a final conviction.
14 At least that's my understanding of the status of
15 that particular cause number, Judge.

16 THE COURT: Well, as to the
17 foundation to which she's testifying to, her
18 testimony is that it is that of the defendant. I
19 mean, admitted it's not being used for enhancement
20 purposes but it is still what it claims to be
21 although it's certainly up to either side to clear
22 up the status of this case.

23 MR. SCOTT: Well, I think that what
24 she might be testifying to by fingerprints, she's
25 also testifying as to the validity of it and that's

1 why these are all introduced into evidence, Judge.
2 We're not viewing the packet of all these exhibits
3 just because it's got a fingerprint on it.

4 THE COURT: All right. Now --
5 okay. I'll sustain your objection as to 28 for
6 right now.

7 MR. SCOTT: Thank you, Judge.

8 *(Bench proceedings concluded.)*

9 *(State's Exhibits No. 14 through*
10 *22, Judgment and Sentences, offered and*
11 *admitted.)*

12 MR. GILLIAM: Your Honor, may I
13 orally publish State's Exhibits No. 15 through 22?

14 THE COURT: You may.

15 MR. GILLIAM: Under Cause
16 No. 1289552, in the 185th District Court of Harris
17 County, Texas, the defendant, Weylin W. Allford, was
18 convicted of the state jail felony offense of
19 possession of cocaine, less than 1 gram, on
20 January 4, 2013, and sentenced to two years TDCJ.

21 On April 7, 2010, in County
22 Criminal Court at Law No. 7 of Harris County, Texas,
23 under Cause No. 1671784, the defendant, Weylin Wayne
24 Allford, was convicted of the Class B misdemeanor of
25 theft, and sentenced to 15 days in the Harris County

1 Jail.

2 On February 3, 2010, in the 177th
3 District Court of Harris County, Texas, under Cause
4 No. 1245263, the defendant, Weylin Wayne Allford,
5 was convicted of the Class A misdemeanor offense of
6 assault-family member and sentenced to seven months
7 in the Harris County Jail.

8 On May 13, 2009, under Cause
9 No. 1211860, in the 339th District Court of Harris
10 County, Texas, the defendant, Weylin Wayne Allford,
11 was convicted of the Class A misdemeanor of
12 terroristic threat and sentenced to one year in the
13 Harris County Jail.

14 In the 182nd District Court of
15 Harris County, Texas, on February 11, 2008, under
16 Cause No. 1117602, the defendant, Weylin Wayne
17 Allford, was convicted of the state jail felony
18 offense of theft from person and sentenced to eight
19 months in the state jail.

20 On March 30, 2007, under Cause
21 No. 1443790, in County Criminal Court at Law No. 5
22 of Harris County, Texas, the defendant was convicted
23 of the Class A misdemeanor assault-family member and
24 was sentenced to 30 days in the Harris County Jail.

25 Under Cause No. 109 -- 1089533, in

1 the 177th District Court of Harris County, Texas, on
2 November 8, 2006, the defendant, Weylin Wayne
3 Allford, was convicted of the Class A misdemeanor of
4 assault-bodily injury and sentenced to one year in
5 the Harris County Jail.

6 In the 147th Judicial District
7 Court of Travis County, Texas, under Cause
8 No. 3022258, on April 7, 2003, the defendant was
9 convicted of the second-degree felony of possession
10 of a controlled substance, cocaine, in an amount of
11 4 grams or more but less than 200 grams, and
12 sentenced to three years in the Texas Department of
13 Criminal Justice Institutional Division.

14 In the 147th Judicial District
15 Court of Travis County, Texas, under Cause
16 No. 2030563, on March 26, 2003, the defendant,
17 Weylin Wayne Allford, was convicted of the
18 second-degree felony of possession of a controlled
19 substance, cocaine, in an amount of 4 grams or more
20 but less than 200 grams, and was sentenced to three
21 years in the Texas Department of Criminal Justice
22 Institutional Division.

23 In the 147th Judicial District
24 Court of Travis County, Texas, under Cause
25 No. 3022189, the defendant, Weylin Wayne Allford, on

1 April 7th, 2003, was convicted of the second-degree
2 felony of possession of a controlled substance,
3 Promethazine, in the amount of 4 grams or more but
4 less than 200 grams, and was sentenced to three
5 years in the Texas Department of Criminal Justice
6 Institutional Division.

7 Pass the witness, Your Honor.

8 THE COURT: Mr. Scott?

9 MR. SCOTT: Yes, Your Honor.

10 May I approach, Your Honor?

11 THE COURT: You may.

12 **CROSS-EXAMINATION**

13 **BY MR. SCOTT:**

14 Q. Ms. Harper, in relation to these
15 exhibits, do you know anything about the exhibits
16 themselves other than they have somewhere displayed
17 on them or in conjunction with a jail card a
18 fingerprint?

19 A. Can you clarify your question?

20 Q. Have you ever seen State's Exhibit 15
21 before today?

22 A. No.

23 Q. Do you have any knowledge as to the
24 basis for that exhibit other than it contains a
25 fingerprint that you've identified as belonging to

1 the defendant in this case?

2 A. No, I do not.

3 Q. All right. In relation to Exhibit
4 No. 16, have you ever seen that exhibit before
5 today?

6 A. No.

7 Q. Do you know of any of the underlying
8 information contained in that exhibit, other than
9 the fact that it has a fingerprint that you're able
10 to identify as belonging to the defendant in this
11 case?

12 A. No other information.

13 Q. Let me show you what's been marked as
14 State's Exhibit 17. Have you ever seen that exhibit
15 before?

16 A. Not prior to today.

17 Q. Other than the fact that it has a
18 fingerprint that you're identifying as belonging to
19 the defendant in this case, you know no other
20 information -- you have no other information about
21 that exhibit, do you?

22 A. No.

23 Q. In relation to Exhibit No. 18, have you
24 ever seen that exhibit prior to today?

25 A. No, I have not.

1 Q. Other than the fact that you're saying
2 that it has a fingerprint that -- well, this one
3 does not, I believe?

4 A. It's -- that's the one --

5 Q. 18 would have been a cross-reference to
6 a jail card --

7 A. Correct.

8 Q. -- is that correct? So have you ever
9 seen that jail card before today?

10 A. No.

11 Q. So the exhibit which is 18, the jail
12 card that you used as a fingerprint identification
13 to my client, then you have no knowledge of either
14 the jail card or the exhibit; is that correct?

15 A. That's correct.

16 Q. In relation to 19, have you seen that
17 exhibit prior to today?

18 A. No.

19 Q. Other than the fingerprint that it
20 contains, do you know of any of the other underlying
21 information about that exhibit?

22 A. No, I do not.

23 Q. In relation to 20, have you ever seen
24 that exhibit before?

25 A. No.

1 Q. Other than the fingerprint that you've
2 identified as belonging to my client, do you have
3 any other knowledge about that exhibit other than
4 that fingerprint?

5 A. No, I do not.

6 Q. In relation to 21, other than the
7 fingerprint, do you have any knowledge of that
8 exhibit other than the fact that you've made an
9 identification based upon a fingerprint?

10 A. No.

11 Q. 14, jail cards, do you have any
12 knowledge of that exhibit other than the fact that
13 there are some fingerprints contained in there that
14 you've used as cross-references to identify an
15 exhibit that has been introduced?

16 A. No, I do not.

17 Q. In relation to 22, do you know any of
18 the underlying information contained in that exhibit
19 other than the fact that it contains a fingerprint
20 that you were able to identify as my client's?

21 A. No, I do not.

22 Q. So you're not able to testify as to the
23 validity of any of those exhibits, as to their
24 content, other than the fact that they have a
25 fingerprint that you've been able to identify,

1 correct?

2 A. To the defendant, yes.

3 Q. Yes, the defendant, correct?

4 A. Yes.

5 MR. SCOTT: Pass the witness, Your
6 Honor.

7 THE COURT: State?

8 MR. GILLIAM: Nothing further from
9 the State, Your Honor.

10 THE COURT: All right. May she be
11 excused?

12 MR. GILLIAM: Yes, Your Honor.

13 MR. SCOTT: Yes, Your Honor.

14 THE COURT: You're free to go.

15 Thank you, ma'am.

16 THE WITNESS: Thank you.

17 THE COURT: State, call your next.

18 MR. GILLIAM: State calls Marion
19 Daniels.

20 THE BAILIFF: Your Honor, this
21 witness has not been sworn.

22 THE COURT: Please raise your right
23 hand.

24 *(Witness sworn.)*

25 THE COURT: Have a seat, please.

