

1                   THE COURT:  Yeah, me too.  All right.  I  
2 can understand how you would have high blood pressure in  
3 this situation.  But the bottom line is, is this your  
4 voluntary and intelligent choice?

5                   THE DEFENDANT:  Yes, sir.

6                   THE COURT:  You're not making it for any  
7 other reason other than it's what you want to do in this  
8 situation?

9                   THE DEFENDANT:  Yes, sir.

10                  THE COURT:  All right.  Okay.  Then why  
11 don't you step back in the back and we will proceed from  
12 that.  Okay?

13                   (At the Bench, off the record)

14                   (Recess)

15                   (Open court, defendant not present, no  
16 jury)

17                  THE COURT:  All the witnesses who intend to  
18 testify in this trial, please stand and raise your right  
19 hands.

20                   (Witnesses sworn)

21                  MS. COLLINS:  Judge, there are two  
22 witnesses over here that have been subpoenaed for court.

23                  THE COURT:  Could you all stand up, please,  
24 and raise your right hands?

25                   (Witnesses sworn)

1 THE COURT: Anybody want the Rule invoked?

2 MS. COLLINS: Yes, Your Honor.

3 MR. WENTZ: Yes, Your Honor.

4 THE COURT: The Rule is invoked. That  
5 means you can only be in the courtroom when you testify.  
6 Otherwise, you must remain outside the courtroom. You  
7 cannot talk to one another about your testimony in the  
8 case. You can talk about anything else, you just can't  
9 talk about the case. So, I need you-all to step out,  
10 please.

11 (Discussion off the record)

12 THE COURT: For the record, I find the  
13 defendant freely, voluntarily, and intelligently waived  
14 his right to a jury trial in this case, and that he is  
15 of sound mind and competent to make that choice.

16 (Discussion off the record)

17 (Open court, defendant present, no jury)

18 THE COURT: This is Cause No. 1395164,  
19 entitled the State of Texas versus Jamon Walker.

20 Mr. Walker, having freely and voluntarily  
21 and intelligently waived his right to a trial by jury,  
22 we will now commence the trial to the Court.

23 Ms. Collins, will you please read the  
24 indictment?

25 Mr. Walker, will you please stand up?

1 (Defendant complies)

2 THE COURT: Mr. Walker, after the  
3 prosecutor reads the indictment to you, I'm going to ask  
4 you how you plead. Do you understand what we're about  
5 to do?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: All right. Go ahead,  
8 Ms. Collins.

9 MS. COLLINS: In the name and by the  
10 authority of the State of Texas: The duly organized  
11 Grand Jury of Harris County, Texas, presents in the  
12 District Court of Harris County, Texas, that in Harris  
13 County, Texas, Jamon Derrell Walker, hereafter styled  
14 the defendant, heretofore on or about July 18, 2013, did  
15 then and there unlawfully, while in the course of  
16 committing and attempting to commit the robbery of  
17 Gerald Lynn Williams, intentionally cause the death of  
18 Gerald Lynn Williams by shooting the complainant with a  
19 deadly weapon, namely, a firearm.

20 Against the peace and dignity of the State.  
21 Signed by the Foreman of the Grand Jury.

22 THE COURT: Mr. Walker, to that charge, how  
23 do you plead, guilty or not guilty?

24 THE DEFENDANT: Not guilty, Your Honor.

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

1 State, call your first witness.

2 MR. STAYTON: The State calls Officer Alton  
3 Holmes.

4 THE COURT: All right. Mr. Stayton.

5 MR. STAYTON: Thank you, Your Honor.

6 **ALTON HOLMES,**

7 having been first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MR. STAYTON:**

10 Q. Sir, would you please introduce yourself?

11 A. My name is Alton Holmes.

12 Q. And how are you employed, sir?

13 A. I work for the Houston Police Department,  
14 currently assigned to the Vehicular Crimes Division.

15 Q. How long have you been assigned to the  
16 Vehicular Crimes Division?

17 A. About two months.

18 Q. And prior to that, where was your assignment  
19 with the Houston Police Department?

20 A. I spent five-and-a-half years with the Crime  
21 Scene Unit.

22 Q. And prior to your employment with the Houston  
23 Police Department, did you have any other law  
24 enforcement experience?

25 A. Yes.

1 Q. And can you tell the Court about your prior law  
2 enforcement experience?

3 A. I worked for the Brazos County Sheriff's Office  
4 in Bryan for a little over 18 years.

5 Q. And can you tell us, during that 18-year period  
6 of time, what were some of the assignments that you had  
7 in that sheriff's department?

8 A. I started working in the jail. While in the  
9 jail, I was a corporal and a sergeant. Spent a little  
10 over six years as a sergeant. Duties included the  
11 normal jail operations, as well as being over our  
12 transport division. I left that position to take over  
13 as the training coordinator for about the last seven  
14 years.

15 Q. And what year was it that you moved your  
16 employment to Harris County?

17 A. The end of '06.

18 Q. In July of 2013, specifically on July 23rd of  
19 2013, did you have an opportunity to perform or do --  
20 did you have an opportunity to examine a vehicle that  
21 was part of a capital murder investigation?

22 A. Yes.

23 Q. And subsequent to your examination of that  
24 vehicle, did you prepare an offense report that  
25 described your examination of that vehicle?

1           A.    Yes, sir.

2           Q.    And prior to your testimony today, did you have  
3 a chance to review your -- the supplement that you  
4 created to that incident?

5           A.    Yes, sir.

6           Q.    And, Officer Holmes, would you please state for  
7 the record the incident number that is connected with  
8 your examination of that vehicle?

9           A.    089033513, "E" as in Edward.

10          Q.    And on that date of July 23rd of 2013, were you  
11 then assigned to the vehicular unit or to the Crime  
12 Scene Unit?

13          A.    I was assigned to the vehicle exam building,  
14 which is a unit within the Crime Scene Unit.

15          Q.    And do you recall -- or did you review your  
16 supplement that you created as part of that offense  
17 report that you just spoke of? Did you review that  
18 supplement prior to your testimony today?

19          A.    Yes, sir.

20          Q.    For the purpose of refreshing your memory?

21          A.    Yes, sir.

22          Q.    And did you review it, also, with the  
23 prosecutors in this case on previous occasions in  
24 preparation for this trial?

25          A.    Yes, sir.

1           Q.    How was it that you received instructions, do  
2 you recall, on July 23rd related to this particular  
3 vehicle?

4           A.    Our secretary had gotten instructions from the  
5 homicide investigator on what processing needed to be  
6 done.  That's left on a processing form on each car that  
7 we get.  I had that processing form.  And we  
8 typically -- not only will she write it, but we'll  
9 discuss it before I process a car.

10          Q.    What shift were you working on that day and  
11 what hours?

12          A.    Day shift, 6:00 a.m. to 2:00 p.m.

13          Q.    Can you -- how was it that you documented --  
14 when you received the instructions to examine this  
15 particular vehicle that you've just described, how was  
16 it that you documented this particular vehicle?

17          A.    The first thing we do is take photographs  
18 360 degrees around the car.  If we process the interior,  
19 then we photograph the interior before we do any  
20 processing.

21          Q.    And if you know, how did that vehicle -- or how  
22 do vehicles -- what's the policy of HPD -- of the  
23 Houston Police Department as to how the vehicle comes to  
24 you for an examination?

25          A.    The vehicle is towed to the vehicle exam

1 building either by city wrecker or by Apple Towing.  
2 Apple Towing has a contract for nightshift and weekends.  
3 Those are the only two companies -- or only two wreckers  
4 that are allowed to tow into our facility.

5 Q. And who has access to those vehicles once they  
6 are placed within your facility?

7 A. It's a secured facility. HPD officers are able  
8 to get it. They have to sign out a key from our  
9 property room, though. The only access, when we're not  
10 there, is by key that they have to sign out and then  
11 sign back in.

12 Q. To your knowledge, was there any other Houston  
13 police officer who had performed the photographs or  
14 performed an examination of the vehicle connected with  
15 this case?

16 A. No.

17 Q. And how do you know that, sir?

18 A. There were no other supplements. Typically, if  
19 it's a car, they bring it to us without any other  
20 processing so that we can do it in a controlled  
21 environment.

22 Q. When you processed the vehicle connected with  
23 this capital murder case, did you work alone or did you  
24 have a partner working with you?

25 A. I worked alone.



1 Q. Do you recall what was the make and model of  
2 the vehicle that you worked on on this day?

3 A. It was a Mercedes E320 sedan.

4 MR. STAYTON: May I approach the witness,  
5 Your Honor?

6 THE COURT: Yes.

7 Q. (By Mr. Stayton) Sir, I'm handing you what has  
8 been marked State's Exhibits Nos. 1 through 38,  
9 photographs that you have previously viewed this morning  
10 (indicating). Is that correct, sir?

11 A. Yes.

12 Q. Did you recognize those photographs?

13 A. Yes.

14 Q. And how is it that you recognize them?

15 A. These are the photographs that I took -- some  
16 of the photographs that I took while I was processing  
17 this car.

18 Q. You say "some of the photographs." Did you  
19 take more than 38 photographs of that vehicle?

20 A. Yes, I did.

21 Q. But these are 38 of the photographs that you  
22 took?

23 A. Correct.

24 Q. And how do you know that they are photographs  
25 that you took?

1           A.    I've reviewed my files and I recognize the  
2 facility where the pictures were taken.

3           Q.    And do they fairly and accurately depict the  
4 vehicle that's connected with this capital murder case  
5 that you've described already; do they fairly and  
6 accurately depict what you recall -- the vehicle that  
7 you recall examining for this -- connected with this  
8 capital murder trial?

9           A.    Yes.

10                   MR. STAYTON:   And I'm going to offer these  
11 into evidence, Your Honor.  I've already previously  
12 tendered them to defense counsel for inspection.

13                           **(State's Exhibit No. 1 through 38 Offered)**

14                   MR. WENTZ:   And we have no objection, Your  
15 Honor.

16                   THE COURT:   State's 1 through 38 are  
17 admitted.

18                           **(State's Exhibit No. 1 through 38 Admitted)**

19           Q.    (By Mr. Stayton) All right.  I want you to talk  
20 about these photographs briefly, Officer Holmes.  So,  
21 what we're showing you right now has been marked as  
22 State's Exhibit 1 (indicating).

23           A.    This is the front of the car.  This was after I  
24 had done most of the processing.  I had actually started  
25 it to -- they had asked to see if a headlight worked or

1 not. I actually started the car and then turned the  
2 headlights on.

3 Q. Do you recall which headlight that you were  
4 asked to inspect to see if it was working?

5 A. The driver's side.

6 Q. And what were your -- what was your conclusion?

7 A. It was not working.

8 Q. How was it that you -- did you have the keys,  
9 also, to that vehicle?

10 A. Yes.

11 Q. State's Exhibit No. 2, what are we looking at  
12 there, sir (indicating)?

13 A. That's a photograph of the front left corner of  
14 the car and that headlight.

15 Q. State's Exhibit No. 3 (indicating).

16 A. It's a closer photograph showing that the  
17 parking light is on but the headlight is not  
18 functioning.

19 Q. State's Exhibit No. 5 (indicating).

20 A. It's looking at the back left corner of the  
21 car.

22 Q. And, Officer Holmes, if there's something  
23 that -- we're not going to go through all of these  
24 photographs, but as we go through a number of them, if  
25 there's something that you recognize that was

1 significant to you for your -- in your processing of the  
2 vehicle, would you please point it out for the Court?

3 A. Okay.

4 Q. Looking at State's Exhibit No. 7 (indicating).

5 A. This shows the front passenger door area.

6 Q. State's Exhibit No. 9 (indicating).

7 A. That's looking in at the driver's door opening  
8 with the interior panel and the steering wheel, the dash  
9 area.

10 Q. State's Exhibit No. 12 (indicating).

11 A. A close-up of the rear license plate.

12 Q. And for the purposes of the record, would you  
13 read that -- the license plate number on that vehicle?

14 A. 439-XDN.

15 Q. And is it a Texas license plate?

16 A. Yes.

17 Q. State's Exhibit No. 14 (indicating).

18 A. It's a photograph of the trunk area.

19 Q. And when you examined that vehicle initially,  
20 was the trunk open or closed?

21 A. Closed.

22 Q. State's Exhibit No. 19 (indicating).

23 A. It's looking into the right rear door into the  
24 rear seat area.

25 Q. And what did you observe when you looked into

1 the rear seat area?

2 A. There were two child seats, one on the left and  
3 one on the right. And there's a camouflage cap that's  
4 in the right rear floorboard.

5 Q. State's Exhibit No. 24 (indicating).

6 A. It's a photograph of the left rear floorboard  
7 area.

8 Q. Okay. And then I want to show you State's  
9 Exhibit No. 33 (indicating).

10 A. That's an insurance card that was in that  
11 floorboard.

12 Q. And looking at the insurance card that was on  
13 the floorboard, can you see, is there information that  
14 indicates who the car was insured to?

15 A. Yes.

16 Q. And what does it say?

17 A. Gerald Williams.

18 Q. State's Exhibit No. 27 (indicating).

19 A. That's the center console between the front  
20 seats.

21 Q. And what was significant about that photograph,  
22 sir?

23 A. There was a cell phone in the center console  
24 that I had been asked to recover.

25 Q. State's Exhibit No. 28 (indicating).

1           A.    That's the cell phone once I took it out.  I  
2 took a photo of the face of it.

3           Q.    And is that gloved hand, is that your hand?

4           A.    Yes.

5           Q.    State's Exhibit No. 29 (indicating).

6           A.    It's a better photo of the back of the phone.

7           Q.    And State's Exhibit No. 32 (indicating).

8           A.    That is -- once I had the phone, I took the  
9 cover off and then removed the back cover and battery to  
10 get the serial number and model number.

11          Q.    And what was the significance of doing that?

12          A.    So that whenever we tag it, we know what the  
13 serial number is so we know we've got which phone if it  
14 comes into evidence later.

15          Q.    And do those numbers -- did you find, when you  
16 opened it up, the serial numbers to that telephone  
17 inside the casing of the phone?

18          A.    Yes.

19          Q.    And is that what we're viewing on State's  
20 Exhibit 32?

21          A.    Yes.

22          Q.    After you took the photographs as part of your  
23 processing of the vehicle, what did you do next, sir?

24          A.    The next thing I did was took -- we call it  
25 SEM, the scanning electron microscope, also commonly

1 known as a GSR test, of the driver's side headrest and  
2 sun visor.

3 Q. What does "GSR" stand for?

4 A. Gunshot residue.

5 Q. Can you say one more time what does the "SEM"  
6 stand for?

7 A. Scanning electron microscope.

8 Q. Are they one in the same, the SEM and GSR; do  
9 they mean the same thing?

10 A. Yes.

11 Q. They're about the same kind of analysis?

12 A. Correct.

13 Q. And did you -- where did you perform this test  
14 or this part of the processing of the vehicle initially?

15 A. Where did I take them from?

16 Q. Where did you take it from initially?

17 A. The driver's side headliner and sun visor.

18 Q. And did you, in your first processing of the  
19 vehicle, take it also from the passenger side of the  
20 vehicle?

21 A. No.

22 Q. Did you later take it from the passenger side  
23 of the vehicle?

24 A. Yes.

25 Q. How was it that you received -- or why was it

1 that you later did a second GSR test -- or not test, but  
2 that you collected evidence for GSR testing on the  
3 passenger side of the vehicle?

4 A. The homicide investigators had requested that I  
5 take photos because the owners needed the car seats that  
6 were in the rear seat. Whenever he came to get those  
7 rear seats, they had gotten more information that  
8 indicated the shooting happened on the front passenger  
9 area of the car.

10 Q. And so, that's when you performed a second part  
11 of the processing to get the -- this evidence for GSR  
12 testing?

13 A. Correct.

14 MR. STAYTON: Can I approach the witness,  
15 Judge?

16 THE COURT: Yes.

17 Q. (By Mr. Stayton) I'm handing you what's been  
18 marked as State's Exhibits 39 and 40 and 41 and 42. Do  
19 you recognize these objects that I'm handing you  
20 (indicating)?

21 A. Yes.

22 Q. All right. The envelopes that are marked  
23 State's 39 and 41, how is it that you recognize them?

24 A. They've got my handwriting. I labeled them  
25 what was in them, the case information. The back side



1 has my signature on the evidence tape.

2 Q. And what did you use them for?

3 A. To tag these SEM kits into our property room.

4 Q. And State's Exhibits 40 and 42, do you  
5 recognize those, also, sir (indicating)?

6 A. Yes.

7 Q. And what are they?

8 A. Those are the envelopes for the SEM kits as we  
9 get them from the vendor.

10 Q. And how do you recognize those?

11 A. They are also marked with case information that  
12 I wrote on them.

13 Q. So, you recognize your own handwriting on the  
14 fronts of all of these envelopes?

15 A. Correct.

16 Q. And is there something that you wrote on these  
17 envelopes that tells you that they're connected with  
18 this specific case?

19 A. Yes.

20 Q. And what is it?

21 A. The case number.

22 Q. And, again, would you read out the case number  
23 as you wrote them on these envelopes?

24 A. On the driver's side, it was written as  
25 089033513 "F" as in Frank. On the passenger side, it

1 was written 089033513 "E" as in Edward.

2 Q. And can you explain for the Court the -- first,  
3 let me just clarify with you. The numbers that -- the  
4 offense report number that you just read, which is -- is  
5 it the same number that you spoke of earlier when you  
6 talked about your -- the supplement that you prepared to  
7 this -- to the incident -- to the Houston Police  
8 Department incident number for this case?

9 A. Yes.

10 Q. And is that also the same number that you  
11 recorded on these envelopes in your handwriting?

12 A. Yes.

13 Q. The letters that appear, the "E" and "F," at  
14 the end of those numbers, what's the purpose for those  
15 letters?

16 A. Our old report system had what we call a check  
17 digit. The computer had an algorithm. And, basically,  
18 somehow the number and the letter, if you didn't have  
19 the numbers right, it wouldn't match that letter and the  
20 computer system would let you know you didn't have the  
21 case number correct.

22 Q. On one of the envelopes on State's Exhibit 40,  
23 which is the envelope that contains the SEM kit, is that  
24 correct --

25 A. Yes.

1 Q. -- for the --

2 A. For the driver's side.

3 Q. -- for the driver's side. And then -- well, on  
4 that envelope, State's Exhibit 40, the letter  
5 following -- that you wrote in your handwriting  
6 following the incident number is the letter -- is which  
7 letter, sir?

8 A. "F."

9 Q. Okay. And then on State's Exhibit 42, the  
10 contents of State's Exhibit 41, the SEM kit for the  
11 front passenger side, you wrote which letter?

12 A. "E."

13 Q. Can you explain to the Court why one of them  
14 has the letter "E" and one has the letter "F," and does  
15 it -- and is there any significance to that?

16 A. When I took the first kit, I put it in the  
17 envelope, I had sealed everything, I did my supplement  
18 before the investigator came. When I went to put my  
19 supplement report in, I put an "F" as the check digit  
20 and it kicked back as an incorrect case number. That's  
21 when I found out that the "F" that was on our paperwork  
22 that had been handwritten by the officer that tagged the  
23 vehicle in was supposed to be an "E." I was able to  
24 correct the outer envelopes, but since I already had it  
25 sealed, I did not correct the inner envelope.

1 Q. What did you do with the SEM kits after you  
2 collected them from both the driver's side and the  
3 passenger side on that day?

4 A. I packaged them up and then tagged them into  
5 our property room.

6 Q. And how did -- and when was the next time that  
7 you saw them?

8 A. Today.

9 Q. And where did you see them today?

10 A. In court.

11 Q. How did they come into your possession today?

12 A. The D.A. investigator brought them in.

13 Q. What condition were they in when you saw them  
14 today?

15 A. They had been resealed in the envelopes.

16 Q. And were they in a sealed condition when they  
17 came into your possession today?

18 A. Yes.

19 Q. And what did you do, prior to your testimony  
20 today, with the envelopes?

21 A. I cut the envelopes open and removed the  
22 contents.

23 Q. To review them prior to your testimony right  
24 now?

25 A. Correct.

1 Q. Were -- as you reviewed these this morning,  
2 State's Exhibits 39, 40, 41, and 42, aside from -- well,  
3 had they been -- had any of the information that you put  
4 on these envelopes in your own handwriting been altered  
5 in any way?

6 A. No.

7 MR. STAYTON: I'm going to offer these into  
8 evidence and tender them to defense counsel, 39, 40, 41,  
9 and 42.

10 **(State's Exhibit No. 39 through 42 Offered)**

11 MR. WENTZ: No objection, Your Honor.

12 THE COURT: All right. State's 39, 40, 41,  
13 and 42 are admitted.

14 **(State's Exhibit No. 39 through 42**  
15 **Admitted)**

16 Q. (By Mr. Stayton) When we were reviewing the  
17 photographs, you saw a photograph and you spoke about a  
18 cell phone that you recovered.

19 A. Yes, sir.

20 Q. You've talked about the car seats that you saw  
21 that you were then requested to remove?

22 A. Yes, sir.

23 Q. Did you remove those in the back?

24 A. Yes, I did.

25 Q. And what did you do with them?

1           A.    They were given to the homicide investigators  
2 when they came out.

3           Q.    And was there any other specific item that you  
4 were asked to look for when you were processing this  
5 vehicle in the request that you received from homicide  
6 investigators?

7           A.    I was asked to look for any firearms evidence,  
8 and that was it.

9           Q.    Did you recover any firearms evidence in your  
10 processing of this vehicle?

11          A.    No.

12                   MR. STAYTON:  Pass the witness, Judge.

13                   THE COURT:  Mr. Wentz.

14                   MR. WENTZ:  May it please the Court?

15                   THE COURT:  All right.

16                                   **CROSS-EXAMINATION**

17 **BY MR. WENTZ:**

18           Q.    Good afternoon.

19           A.    Good afternoon.

20           Q.    My name is Kurt Wentz, and I'm going to be  
21 asking you some questions this afternoon.  If you do not  
22 understand my question, will you please ask me to repeat  
23 it so that you and I are talking about the same thing?

24           A.    Okay.

25           Q.    And if you want me to keep my voice up, tell me

1 and I'll make sure I speak loudly. Okay?

2 A. All right.

3 Q. You were basically part of the CSU unit at the  
4 time of your processing of this motor vehicle; is that  
5 correct?

6 A. Yes, sir.

7 Q. And the building in which you processed the  
8 motor vehicle is part of the Crime Scene Unit Division;  
9 is that correct?

10 A. Yes, sir.

11 Q. Okay. Where were you when you were assigned  
12 this case? I mean, were you in that building just --

13 A. Yes, sir, my partner and I. There's only two  
14 CSUs that are assigned to that building and we share the  
15 workload.

16 Q. And when -- how long had that motor vehicle  
17 been at your location prior to your processing it?

18 A. It had come in on Friday, the 19th, and then I  
19 processed it on Tuesday, the 23rd.

20 Q. Okay. Were you aware of that motor vehicle,  
21 other than being assigned to do the processing on the  
22 23rd? In other words, had you had any contact with that  
23 motor vehicle prior to processing it on the 23rd?

24 A. No, sir.

25 Q. Just one of the many vehicles that were at the

1 compound at that time?

2 A. Yes, sir.

3 Q. And when you began your processing of the motor  
4 vehicle on the 23rd, I think you've indicated that you  
5 were given some directions as to things to process,  
6 things to look for; is that correct?

7 A. Yes, sir.

8 Q. And who was the individual -- or who were the  
9 individuals who gave you those directions?

10 A. They came from the homicide investigators. I  
11 believe it was Avila on this case.

12 Q. Did you have a conversation with him prior to  
13 processing the motor vehicle?

14 A. No, sir. Our secretary gets a lot of the  
15 instructions while my partner and I are processing cars.  
16 So, I didn't actually speak to him.

17 Q. So, basically, you were given some -- a sheet,  
18 a note, something like that, to follow?

19 A. Yes, sir. We've got a processing request form  
20 that we keep all of our notes on.

21 Q. And besides getting that information, that  
22 request, were you given any information with regards to  
23 why those requests were being made?

24 A. No, sir.

25 Q. Did you have any access to any offense report



1 or supplements relating to this case prior to your  
2 processing the motor vehicle on the 23rd?

3 A. I had access to the homicide reports and the  
4 supplements. I honestly don't remember if I read them  
5 before I processed this car or not. I had started this  
6 car at 6:35 in the morning and I came on at 6:00. I  
7 honestly don't remember if I read the reports that were  
8 in the system beforehand or not.

9 Q. Certainly, you didn't have very much time to do  
10 so if you did that particular one?

11 A. Correct.

12 Q. Did you subsequently review any of the offense  
13 report or -- any of the offense report after your  
14 processing of the motor vehicle?

15 A. Not other than my own.

16 Q. As you processed the motor vehicle from the  
17 request of the investigators, did you do anything in  
18 addition to what they requested? In other words, did  
19 you do things on your own or did you simply follow their  
20 request?

21 A. Yes, sir, I did.

22 Q. And what was it that you did on your own beyond  
23 their request?

24 A. I found a possible bloodstain on the left side  
25 facing the front passenger seat and I took a DNA swab of

1 what was possibly a bloodstain.

2 Q. And was that more or less part of your standard  
3 operating procedure as a Crime Scene Unit at that  
4 facility?

5 A. Yes, sir.

6 Q. When you were told to process the motor vehicle  
7 for the cell phone, was the cell phone described to you  
8 in terms of color, described in terms of make?

9 A. No, sir.

10 Q. Was it described to you in terms of location?

11 A. No, sir.

12 Q. Just a cell phone in that motor vehicle?

13 A. Yes, sir.

14 Q. And where you might find it?

15 A. Correct.

16 Q. And I need to ask you -- we've had some  
17 pictures with regards to items in the trunk. Was there  
18 any request for any examination or review of those  
19 particular items?

20 A. No, sir.

21 Q. At some point you've indicated that the -- when  
22 the investigators came out, when did they come out? I  
23 mean, I'm assuming that's when they actually went to  
24 your physical location and got the children's car seats.

25 A. Yes, sir. They picked up the car seats and the

1 cell phone. They came out between 10:00 and 10:30,  
2 because, according to my report, I took the second set  
3 of SEM kits at 10:30.

4 Q. Okay. Fine. So, it was all done that  
5 particular day?

6 A. Yes, sir.

7 Q. And just by way of clarification, you've talked  
8 about State's Exhibits 39 and 41. They relate to the  
9 passenger's side; is that correct?

10 A. No.

11 MR. WENTZ: May I approach the witness,  
12 Your Honor?

13 THE COURT: Yes.

14 A. One of them does.

15 Q. (By Mr. Wentz) If you could just make it clear  
16 for me which is the passenger side.

17 A. Passenger side is going to be 41 and 42.

18 Q. 41 and 42?

19 A. Yes, sir.

20 Q. Okay. And driver's side 39 and 40?

21 A. Yes, sir.

22 Q. Thank you.

23 We've also had some reference to some  
24 photographs that were taken by yourself on that  
25 particular day. Let me refer you to State's Exhibit

1 No. 26. And I'm -- where I'm pointing, can you identify  
2 or read for us the name that is on this piece of paper  
3 (indicating)?

4 A. It looks like it's Stars Game Room.

5 Q. Was anything done by yourself with regards to  
6 advising the investigators of your discovery of that  
7 particular document within the car?

8 A. No, sir.

9 Q. Were you told to look for that in processing  
10 the car?

11 A. No, sir.

12 Q. And could you tell us for the record where you  
13 found that in the car?

14 A. It looks like that's the center console between  
15 the front seats.

16 Q. Okay. And would that be in the same vicinity  
17 as the cell phone that you found?

18 A. Yes, sir.

19 Q. And, again, for the record, you talked about  
20 identifying the cell phone by way of serial number. Can  
21 you tell us what was the make or brand of the cell  
22 phone?

23 A. It was a Huawei brand, H-u-a-w-e-i.

24 Q. Okay. You've talked about obtaining evidence  
25 relating to this SEM gunshot residue testing, and you

1 talked about a driver's side visor and headliner.  
2 Where -- when you processed the visor on the driver's  
3 side, was there any particular reason that you processed  
4 that specific area or was it just a general swabbing of  
5 the visor or was it a specific area of the visor?

6 A. It's a general area. The kits have a --  
7 they're probably about the size of a nickel on the head  
8 and they've got a sticky substance. And, basically, you  
9 just touch the substance, just hopefully get the  
10 material to stick to it that they're looking for. And  
11 so, it was just basically going down the visor  
12 (indicating).

13 Q. And multiple times at multiple locations?

14 A. Yes, sir.

15 Q. And did the same thing apply with regards to  
16 the headliner?

17 A. Yes, sir.

18 Q. And when you say "the headliner," can I assume  
19 that that's going to be the top of the roof area above  
20 where the driver's head would probably be?

21 A. Yes, sir.

22 Q. And you, again, go to multiple locations?

23 A. Yes, sir.

24 Q. And you did the same thing on the passenger  
25 side as well; is that correct?

1           A.    Yes, sir.

2           Q.    Did you see anything visually that attracted  
3 your attention to any particular area on the driver  
4 visor?

5           A.    No, sir, not that I recall.

6           Q.    On the passenger visor?

7           A.    No, sir.

8           Q.    On the headliner over the driver?

9           A.    No, sir.

10          Q.    And the headliner over where the passenger  
11 might be?

12          A.    No, sir.

13          Q.    If you know, was there ever any follow-up with  
14 regards to the item that I've made reference to in  
15 State's Exhibit No. 26 relating to the game room?

16          A.    I don't know.

17          Q.    It wouldn't be your job to do that in any way,  
18 shape, or form?

19          A.    No, sir.

20          Q.    Was that ever taken out and submitted to the  
21 property room?

22          A.    Not that I'm aware of.

23          Q.    It remained in the car?

24          A.    It was in the car when I moved it over to our  
25 impound lot next door.

1 Q. After you processed the motor vehicle on the  
2 23rd, what happened to the motor vehicle?

3 A. We then moved it over to the impound lot that  
4 we're attached to. They handle releasing that vehicle.  
5 The investigators have to authorize the release and tell  
6 them who's going to come get it. And the car stays  
7 there until it's released.

8 Q. Okay. Are you aware of any subsequent police  
9 activity with regards to the car, going to the car and  
10 looking in it, going to the car taking items out of it,  
11 after your processing of the vehicle on the 23rd?

12 A. No, sir.

13 Q. Did you fingerprint -- do any lifting of  
14 fingerprints?

15 A. I don't believe so. Let me verify.

16 No, sir.

17 Q. And did you do anything with regards to testing  
18 for DNA?

19 A. Other than the possible bloodstain, no, sir.

20 Q. You've indicated that you were aware that this  
21 was a capital murder case when you processed the car; is  
22 that correct?

23 A. Yes, sir.

24 Q. Did that in any way affect the manner in which  
25 you processed the car?

1           A.    No, sir.

2                   MR. WENTZ:   I pass the witness, Your Honor.

3                   THE COURT:   Mr. Stayton.

4                   MR. STAYTON:   Thank you, Judge.

5                                   **REDIRECT EXAMINATION**

6 **BY MR. STAYTON:**

7           Q.    Officer Holmes, did you -- subsequent to the  
8 processing of the vehicle that you've already described  
9 in your testimony today, did you receive after July --  
10 either later in the day on July 23rd of 2013 or  
11 subsequently, did you receive any further requests from  
12 Investigator Avila or Investigator Sosa to do additional  
13 work related to this capital murder investigation?

14           A.    Other than the front passenger side SEM kits,  
15 no.

16           Q.    And as you testified, that was on the same day  
17 on that same shift?

18           A.    Correct.

19           Q.    Okay.  After that day, did you have anything  
20 further to do with the investigation of this capital  
21 murder case?

22           A.    No.

23           Q.    The supplements that you prepared to the  
24 Houston Police Department offense report on this capital  
25 murder investigation, do they reflect the work that



1 you've talked about in your testimony this morning?

2 A. Yes.

3 Q. And did you write any additional supplements  
4 related to this case?

5 A. No.

6 MR. STAYTON: Pass the witness, Judge.

7 MR. WENTZ: Nothing further, Your Honor.

8 THE COURT: You may step down, sir.

9 THE WITNESS: Thank you.

10 THE COURT: All right. We will adjourn the  
11 trial until Monday at ten o'clock.

12 MS. COLLINS: Judge, prior to us  
13 dismissing, would it be okay for me to go ahead and  
14 enter in State's Exhibits No. 43 and 44, the stipulation  
15 of evidence, so that I can publish them to the Court for  
16 your review?

17 THE COURT: That's fine. Are you going to  
18 offer them?

19 MS. COLLINS: Yes. State does offer  
20 State's Exhibits 43 and 44, Your Honor.

21 **(State's Exhibit No. 43 and 44 Offered)**

22 MR. WENTZ: We have no objection, Your  
23 Honor.

24 THE COURT: All right. State's 43 and 44  
25 are admitted.