

1 THE BAILIFF: All rise.

2 (Jury in)

3 THE COURT: Call your next witness.

4 MS. CLEMONS: State calls Mariam
5 Kane.

6 THE BAILIFF: This witness has not
7 been sworn.

8 THE CLERK: Raise your right hand.
9 (Witness sworn)

10 THE CLERK: Take the witness stand,
11 please.

12 THE COURT: Let's proceed.

13 MARIAM KANE,

14 After having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 Q. (By Ms. Clemons) Would you please
17 introduce yourself to the jury?

18 A. My name is Mariam Kane.

19 Q. Ms. Kane, how are you presently
20 employed?

21 A. I'm a chemist with the City of Houston
22 Police Department Crime Lab.

23 Q. How did you become a chemist with the
24 Houston Police Department Crime Lab?

25 A. I have a Bachelor in Biology and

1 Chemistry from Houston Baptist University, and I
2 also received six months' training from H.P.D. Crime
3 Lab.

4 Q. What does that training entail?

5 A. You have to analyze, a lot of reading.
6 We review a lot of analytical knowledge, and you
7 have to identify 25 unknown samples before you can
8 start analysis.

9 Q. And you completed all of that training
10 prior to becoming -- working at the Houston Crime
11 Lab, correct?

12 A. Yes.

13 Q. How long have you been with the Houston
14 Police Department Crime Lab?

15 A. Since March, 2009.

16 Q. What were you doing prior to that?

17 A. I was in school.

18 Q. Have you testified before as an expert
19 in narcotics and controlled substances?

20 A. Yes.

21 Q. Would you say on few or many occasions?

22 A. Many.

23 Q. Now, the Houston Police Department Crime
24 Lab, does that have any certifications or anything
25 like that?

1 A. It's accredited, yes. The lab is
2 accredited.

3 Q. Who is it accredited by?

4 A. Texas Department of Safety and ASCLD/LAB
5 which is the American Society of Crime Lab
6 Directors/Laboratory Accreditation Board.

7 Q. Now, as part of your job, can you take
8 an unknown substance and identify it?

9 A. Yes.

10 Q. How do you do that?

11 A. By doing chemical analysis and
12 instrumental analysis on the sample.

13 Q. Is that what you've been trained for as
14 an analyst?

15 A. Yes.

16 MS. CLEMONS: Your Honor, may I
17 approach the witness?

18 THE COURT: You may.

19 Q. I'm showing you what's been previously
20 admitted as State's Exhibit No. 2 and its contents.
21 Do you recognize State's Exhibit No. 2?

22 THE COURT: It hasn't been
23 admitted.

24 Q. (By Ms. Clemons) What's previously been
25 marked as State's Exhibit No. 2. Do you recognize

1 State's Exhibit No. 2?

2 A. Yes. It has my handwritten initials,
3 M.K. and the Incident No. 135476312, and my initials
4 on the back, too.

5 Q. And is that on the envelope?

6 A. Yes. That's the sealed evidence
7 envelope.

8 Q. Are there any identifying marks on the
9 plastic baggy inside the envelope?

10 A. Yes. It also has my initial and the
11 Incident No. 135476312.

12 Q. Okay. Did that identifying -- the
13 incident number, does that match the incident number
14 that is marked on the envelope?

15 A. Yes. It's the same number.

16 Q. Can you tell when you received State's
17 Exhibit No. 2?

18 A. I received it on November 29, 2012.

19 Q. Do you know how you received it?

20 A. From a section of the lab called Central
21 Evidence Receiving, C.E.R. That's where all the
22 evidence is stored.

23 Q. And what did you do with State's Exhibit
24 No. 2 once you received it?

25 A. When I received it, I did the analysis

1 on it.

2 Q. How did you do that analysis?

3 A. The first thing I do, I got the weight
4 of the substance. And then to do the analysis, I
5 did a chemical test and an instrumental test.

6 Q. How do you recognize that you did the
7 test on this versus all the other, I guess, drugs
8 you test?

9 A. Because when I receive evidence we
10 assign them item numbers. So, 2.1. The envelope is
11 2. According to each evidence, each exhibit that
12 I'm getting, every exhibit has a specific item
13 number.

14 Q. In this case did you assign a specific
15 item number to this evidence?

16 A. Yes.

17 Q. You stated you weighed State's Exhibit
18 No. 2. How much did the substance in State's
19 Exhibit No. 2 weigh?

20 A. The weight is 1.2 grams.

21 Q. What other tests did you run on State's
22 Exhibit No. 2?

23 A. So, I did a chemical test and also did
24 an instrumental test.

25 Q. What's the difference between those two

1 tests?

2 A. The first test, it consists of -- I
3 obtain a trace sample of the substance and I did a
4 chemical and I was looking for a color change. And
5 I did get a color change, which gave me an
6 indication that this substance might contain
7 cocaine. Then I went and did -- my second step was
8 to do an instrumental test, and after doing that
9 instrumental test gave me a confirmation of what's
10 present in this substance.

11 Q. What was present in that substance?

12 A. Cocaine.

13 Q. And is cocaine a controlled substance?

14 A. Yes.

15 Q. What are adulterants and dilutants?

16 A. Adulterants and dilutants are anything
17 that are added to a controlled substance in order to
18 increase the weight or the quantity, regardless of
19 the effect it has on the controlled substance.

20 Q. And in this case, you found the weight
21 to be 1.2 grams, correct?

22 A. That's correct.

23 Q. And apart from the test that you did on
24 this substance, did you change or alter the cocaine
25 in any other way?

1 A. No.

2 MS. CLEMONS: Your Honor, at this
3 time, State would like to offer into evidence
4 State's Exhibit No. 2 and tender to opposing
5 counsel.

6 THE COURT: Talking about two and
7 its contents?

8 MS. CLEMONS: Two and its contents,
9 Your Honor.

10 MR. ORTIZ: We have no objections
11 to State's 2 or its contents, Judge.

12 THE COURT: Be admitted.

13 MS. CLEMONS: Pass the witness.

14 THE COURT: Mr. Ortiz.

15 MR. ORTIZ: Thank you.

16 CROSS-EXAMINATION

17 Q. (By Mr. Ortiz) Ms. Kane, is it safe to
18 say you were not involved in the investigation in
19 this case in any kind of way, correct?

20 A. No.

21 Q. You're not sure where State's Exhibit
22 No. 2, its contents, the cocaine, any of that, where
23 it came from, correct?

24 A. No. I don't know.

25 Q. You're not in any kind of position to

1 make any kind of credibility assessments or anything
2 about any of the officers involved or what happened;
3 is that correct?

4 A. No.

5 Q. Your job is to test what they bring or
6 submit to the lab, correct?

7 A. That is correct.

8 MR. ORTIZ: Pass the witness,
9 Judge.

10 THE COURT: Anything further?

11 MS. CLEMONS: No, Your Honor.

12 THE COURT: May the witness be
13 excused?

14 MR. ORTIZ: She may.

15 THE COURT: You may be excused.

16 Thank you. Call your next.

17 MS. CLEMONS: State rests.

18 THE COURT: Retire the jury.

19 THE BAILIFF: All rise.

20 (Jury out)

21 THE COURT: Be seated.

22 MR. ORTIZ: May I have just a
23 couple minutes?

24 THE COURT: Yes.

25 MR. ORTIZ: Thank you. Judge, I'd