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(Open court, the defendant and jury  
are present.)

THE COURT: Members of the jury, thank you  
for being on time. I know you guys were early. We  
had one other small glitch, but that's not going to  
happen again.

So, call your next, please.

MR. WAKEFIELD: The State calls Officer  
Lambright.

THE BAILIFF: The witness needs to be  
sworn, Judge.

(Whereupon the witness is sworn by  
the Court.)

**OFFICER D. C. LAMBRIGHT,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

BY MR. WAKEFIELD:

Q. Good morning.

A. Good morning.

Q. Please introduce yourself to the jury.

A. Good morning. I'm D.C. Lambright.

Q. Now, Mr. Lambright, I addressed you as Officer  
Lambright when I called you to the stand. You don't

1 appear to be in a uniform.

2 A. No, sir, I'm not.

3 Q. Can you explain to the jury why that is?

4 A. I've been retired from the Houston Police  
5 Department for 13 months.

6 Q. Now, back when you were with the Houston Police  
7 Department, how long were you with them?

8 A. Twenty-seven years.

9 Q. During your time in the police department, what  
10 positions did you hold?

11 A. I held the rank as senior officer at the time  
12 of my retirement. Prior to that, I was a police officer,  
13 strictly as a police officer as my rank. Throughout my  
14 tenure, I served as an accident investigator, accident  
15 reconstructionist in the Traffic and Accident Division. I  
16 did that for 13 years on the night shift. My first year  
17 on the streets, I worked out of Westside Patrol as a  
18 patrol officer. I left the Traffic and Accident Division  
19 in 1999, where I transferred to the Homicide Division  
20 where I worked as a crime scene investigator for the next  
21 13 years.

22 Q. Now, when you say you were a crime scene  
23 investigator, is that like CSI?

24 A. Yes.

25 Q. All right. Can you explain to the jury what

1 your duties were as a crime scene investigator?

2 A. The Houston Police Department's Crime Scene  
3 Unit, we respond to major crimes, everything from  
4 homicide, all the way down to suicide. We also assist  
5 other investigative divisions, such as Burglary and Theft,  
6 Robbery Division, Accident Division, Internal Affairs when  
7 we are investigating one of our own. Our job is to  
8 collect and document crime scenes. That includes  
9 photography, videography, diagramming, physical collection  
10 of evidence at the scene or at follow-up scenes. So, we  
11 are very highly-trained in identification of evidence,  
12 collection of evidence, the packaging, and the  
13 preservation of that evidence. Everything from DNA to  
14 fingerprints to paint scrapings to hair, we do all of  
15 that. And then it's up to the investigators to take that  
16 evidence either to the lab, get it processed, or request  
17 it processed. But our main focus is evidence at the crime  
18 scenes or at the follow-up scenes.

19 Q. What kind of training have you had to become a  
20 crime scene investigator?

21 A. I was trained in photography, videography,  
22 search patterns, the different types of patterns that we  
23 utilize in searching fields, houses, buildings cars for  
24 evidence. We're trained in firearms identification,  
25 recovery of ballistics evidence. We don't do the actual

1 ballistic testing, but we recover bullets out of walls,  
2 out of ground, out of cars. We recover evidence from the  
3 Medical Examiner's Office such as sexual assault kits,  
4 fingernail scrapings, hairs, projectiles, or bullets.  
5 We'll take that evidence from there and we tag it.

6 We're also trained in death investigation, the  
7 methods of death, causes of death, things of that nature.  
8 I was certified as a blood spatter expert. I studied  
9 under Tom Bevel and Bob Henderson. So, I can look at  
10 blood spatter patterns and give you an analysis as to what  
11 occurred or how it occurred, things of that nature.

12 We are trained in fingerprints, different methods of  
13 recovering fingerprints. The identification part we do  
14 not do; however, I was cross-trained in identification of  
15 fingerprints. However, it is a fleeting knowledge. If  
16 you don't use it, you lose it over time. Since we don't  
17 do it, I don't recall a whole bunch of it.

18 We're trained in death investigation, skeletal  
19 recovery, both surface recovery of a skeleton as to where  
20 it was buried, infant death, methods of suicide. I can  
21 keep going. I've had a lot of training.

22 Q. How long did you do crime scene investigations?

23 A. Thirteen years.

24 Q. Now, what I'd like to focus on is when a car is  
25 located -- when a car is found on the street that was

1 involved in some kind of a crime. How does it come to  
2 you? What do you do?

3 A. My last four-and-a-half years in the Crime  
4 Scene Unit, I was assigned at the vehicle examination  
5 building. This is a secure facility. So, vehicles that  
6 are used or associated with crimes that are recovered or  
7 found at the scene or recovered someplace else later,  
8 these vehicles are towed from that scene to the vehicle  
9 examination building where they are logged in. This is a  
10 building which has four enclosed bays and four covered  
11 bays and then an open lot.

12 These vehicles that are associated or used in crimes,  
13 instead of processing that vehicle out at the crime scene  
14 -- instead of processing that vehicle out at the crime  
15 scene or where it's recovered at, it is towed into a  
16 secured facility where we can keep it, number one, hidden  
17 from the public view, because some of these vehicles, the  
18 public doesn't need to view. It's also  
19 climate-controlled. So, we can keep it out of the rain,  
20 the wind, things of that nature. And then we can devote  
21 however much time it needs to that vehicle.

22 Plus, some vehicles require a search warrant or  
23 consent to search. Some of these vehicles are not -- it's  
24 not cart blanche when you get a vehicle as a police  
25 officer you can just go through it. There are certain

1 criteria under the law. So, we can store it there and  
2 then get to it as time and the law allows.

3 Q. Back in August of 2011, were you working as a  
4 CSI investigator in those car bays, assigned to those car  
5 bays?

6 A. Yes.

7 Q. All right. During that time, were you assigned  
8 to investigate a car that had been located that was  
9 involved in an aggravated robbery and aggravated sexual  
10 assault?

11 A. In regards to this case, yes, sir.

12 Q. All right.

13 MR. WAKEFIELD: Approach the witness?

14 THE COURT: Sure.

15 Q. (By Mr. Wakefield) Now, when you were assigned  
16 to investigate this, had the car already been located?

17 A. Yes.

18 Q. And when you were assigned this case to do a  
19 CSI investigation, where was the car?

20 A. The vehicle was towed in and stored in bay  
21 number three.

22 Q. And is that where you found it?

23 A. Yes, sir.

24 Q. All right. I'm showing you what has been  
25 pre-marked as State's Exhibits 73 through 83. Take a look

1 at those, please.

2 A. (Witness complies). Yes, sir.

3 Q. Are these fair and accurate depictions of what  
4 you observed that day when you investigated this car?

5 A. Yes.

6 MR. WAKEFIELD: Offer State's Exhibits 73  
7 through 83.

8 (State's Exhibit Nos. 73 through 83  
9 offered.)

10 MR. ANDERSON: No objection.

11 THE COURT: They are admitted.

12 (Whereupon State's Exhibit Nos.  
13 73-83 are admitted into evidence.)

14 MR. WAKEFIELD: Publish to the jury,  
15 Judge?

16 THE COURT: Yes.

17 Q. (By Mr. Wakefield) First, I'm going to show you  
18 State's Exhibit No. 73. Explain to the jury what we are  
19 looking at.

20 A. This is a photograph of the back of the vehicle  
21 as I found it. That's the first thing we do before  
22 processing a vehicle, is we document it with photographs.  
23 I'm documenting this vehicle as I found it, and also the  
24 license plate number, which helps to identify the vehicle.

25 Q. When you found this car, did the license plate

1 match the one that was taken from the victim in this case,  
2 Dominique Withoff?

3 A. To the best of my knowledge, yes, sir.

4 Q. All right. And what kind of car is this?

5 A. This is a 2011 Chevrolet HHR.

6 Q. A 2011 Chevrolet HHR, white in color. Was that  
7 the one that was reported as stolen by Dominique Withoff?

8 A. That's the one which was reported to the  
9 Houston Police Department, yes.

10 Q. Now, the next one I'm showing you is State's  
11 Exhibit 74. Can you tell us what we're looking at?

12 A. Same thing. This is an in-progress photograph.  
13 This was taken from the back right of the vehicle, and it  
14 is displaying the passenger side of the vehicle.

15 Q. Okay. And State's Exhibit 75?

16 A. Same vehicle. This is a photograph of the  
17 driver side of the vehicle taken from the front left.

18 Q. All right. Now, when you were taking  
19 photographs of this car, did you actually take these  
20 photographs?

21 A. I did.

22 Q. Why is it that you show different angles of the  
23 car?

24 A. There are a couple of reasons. First of all,  
25 we want to document how we received the vehicle or how the

1 vehicle was presented to us. It's called "in situation"  
2 or "in sent to." This is how I found it, this is how I'm  
3 going to document it to start with. So, we do a 360 all  
4 the way around the vehicle, just like we would at a crime  
5 scene. You start and go all the way around. You want to  
6 capture everything that is on, or in, or affixed to. If  
7 there are bullet holes on this vehicle, I want these  
8 photos to depict them. There are none. That's just an  
9 example. So, things which you may see in one photograph  
10 may not be visible in another photograph. So, we take  
11 varying angles.

12 And with a vehicle, we start with the outside, work  
13 our way around, and then we go to the inside. We  
14 photograph as we go along throughout this process because  
15 I may move something inside the vehicle which will display  
16 something else. So, the photography continues all the way  
17 through.

18 Q. Now, when you observed this car, what condition  
19 did the car appear to be in?

20 A. The vehicle had a light coating of dust, some  
21 bird droppings upon it. No significant damage was noted  
22 to the vehicle. However, all the doors were locked, but  
23 some of the windows were slightly down. This vehicle had  
24 no keys with it when it was logged in. So, I had to open  
25 the door through one of the open windows using a push rod

1 and reach across to hit the button to unlock the car.

2 Q. When you say it had a layer of dust over it and  
3 bird droppings on it, does that mean anything to you?

4 A. No. I'm just describing the condition of the  
5 vehicle.

6 Q. Next is going to be State's Exhibit 76. Can  
7 you tell the jury what we are looking at here?

8 A. This is a photograph of the steering column of  
9 the vehicle. As you can see, the ignition switch, the  
10 stereo is in place. So, this photograph was taken from  
11 the passenger side door of the vehicle. There's no damage  
12 to the steering column. The ignition switch, the stereo  
13 is still in place. So, the vehicle wasn't stripped.

14 Q. Whenever a car has a damaged steering column,  
15 what does that indicate?

16 A. Generally, that indicates this vehicle was  
17 tampered with and possibly stolen without the use of a  
18 key.

19 Q. In this case, since the car was found without  
20 any damage to the steering column, what does that mean to  
21 you about how the car got there?

22 A. The suspects used or had a key for the vehicle.

23 Q. The next one is State's Exhibit 77. Can you  
24 tell us what we are looking at there?

25 A. This is the driver's side front door, the

1 interior of it. There's a lack of certain things, which  
2 we also photograph to show. As you can see, there is no  
3 blood on the door, the armrest, the panel, or upon the  
4 door handle. That's one of the things which I was asked  
5 to look for is blood.

6 Q. Next, we're going to State's Exhibit 78. What  
7 is this looking at?

8 A. This is a photograph of the driver's seat area.  
9 Once again, you can see the steering column is intact, the  
10 seat is slightly further back, there's some items on the  
11 floorboard, but, specifically, the item that I was dealing  
12 with is right there on the floorboard just under the front  
13 right of the driver's seat.

14 Q. And State's Exhibit 79, is that a close-up of  
15 the last one we just looked at?

16 A. Yes, sir. This is a close-up of that item,  
17 which turned out to be the back skin of a cell phone, the  
18 outer cover of a cell phone. You place it on a cell phone  
19 to protect it.

20 Q. Okay. Tell the jury about this particular cell  
21 phone cover.

22 A. One of the things that I was asked to look for  
23 were cell phones. I found no cell phones; however, this  
24 being a component of a cell phone, it sparked my interest.  
25 This was laying on the driver's floor. There is a spot on

1 the back of this cell phone which appeared damp, possibly  
2 moisture from someone holding it or coming into contact  
3 with it. So, after I documented it in photographs, I  
4 recovered it. In other words, I used nitrile gloves,  
5 removed it from the driver's floor, placed it into a new  
6 paper evidence bag, labeled it and sealed it, and then  
7 placed it into a submission envelope for the HPD property  
8 room. And that's where I tagged it at.

9 Q. When you say that you saw there was moisture on  
10 the back of it, why would that be important to you as a  
11 CSI investigator?

12 A. Well, it's possible that that could be sweat or  
13 even saliva, some type of DNA evidence which may help the  
14 investigator locate a subject.

15 MR. WAKEFIELD: Approach the witness,  
16 Judge?

17 Q. (By Mr. Wakefield) I'm showing you State's  
18 Exhibit 89. Do you recognize this parcel?

19 A. Yes, sir, I do.

20 Q. Is that parcel in substantially the same  
21 condition it was when you tagged it into evidence?

22 A. It has a few minor differences; however, I can  
23 explain them.

24 Q. Okay. Can you explain to the jury what the  
25 differences are?

1           A.       First of all, this is a Houston Police  
2 Department submission envelope, evidence submission  
3 envelope. Across the top edge is my handwriting, which  
4 has the HPD incident number associated with this  
5 investigation printed there, my signature, my unit number,  
6 the date in which I processed this evidence, the license  
7 plate number of the vehicle which I recovered this item  
8 from, and a description of what it is in my handwriting.

9           Once submitted to the Houston Police Department  
10 property room, this large white sticker here describes  
11 basically the same thing that is written here. It is  
12 sealed with evidence-tamper tape with my signature and the  
13 dates are upon it. This is to indicate any tampering, if  
14 it was opened.

15          Now, the differences. This evidence envelope was  
16 open. This tape right here is new. I did not affix it.  
17 This is evidence-tamper tape placed here by the crime lab.  
18 It has their signature there. It has writing right here,  
19 which is the lab number and a signature of the technician  
20 which opened it.

21          Now, I did open this envelope this morning at the  
22 request of the district attorney, and it has been resealed  
23 right here by me with scotch tape.

24          Q.       Could you please open that?

25          A.       (Witness complies).

1 Q. Now, I'm showing you what has been pre-marked  
2 as State's Exhibit 91. Do you recognize this parcel?

3 A. Yes, sir, I do.

4 Q. Can you explain to the jury what that is?

5 A. This is a -- it was new when I used it. It's a  
6 paper evidence bag. We place items of DNA in these bags  
7 because DNA cannot be placed into plastic. It needs to  
8 breathe. Paper breathes. Inside of this bag is this  
9 phone backing that we see in State's Exhibit 79. The  
10 writing here across the top, same information, the  
11 associated HPD incident number, my signature, my unit, the  
12 date, the license plate number, and a written description  
13 of what is in this bag. It has been sealed across the  
14 top, dated, my signature.

15 Q. Has this bag been opened?

16 A. Yes, it has. This tape here along the back is  
17 where the crime lab technician opened it and did whatever  
18 test he needed to do upon it, and the lab number is here  
19 on the white sticker.

20 Q. This is in substantially the same condition as  
21 it was when you tagged it into evidence?

22 A. Yes, sir.

23 Q. All right. Tell the jury what State's Exhibit  
24 90 is.

25 A. State's 90 is a small envelope which is

1 purported to contain a swab from the back of State's 91,  
2 the cell phone cover.

3 Q. Is that used whenever DNA analysis is  
4 performed?

5 A. Yes, sir.

6 MR. WAKEFIELD: At this time, I offer  
7 State's Exhibits 89, 90, and 91 into evidence.

8 (State's Exhibit Nos. 89 through 91  
9 offered.)

10 MR. ANDERSON: Are you offering the  
11 contents of 91?

12 MR. WAKEFIELD: Yes, I am. I am offering  
13 both 91 and its contents, but I'm not going to open  
14 it.

15 MR. ANDERSON: I have no objection, at  
16 this time, to State's Exhibit Nos. 90 and 89, but I  
17 would object to the contents of State's Exhibit No.  
18 91 until it's been identified as being relevant to  
19 the case. The only thing this officer has identified  
20 is the brown envelope and not the contents.

21 THE COURT: I thought he testified as to  
22 what was inside.

23 Go ahead and ask him.

24 Q. (By Mr. Wakefield) Do you know what's inside  
25 this bag?

1 A. I do.

2 Q. What is inside this bag?

3 A. This cell phone skin, which we see here in the  
4 photograph currently being displayed.

5 Q. And are you the one who put that cell phone  
6 cover into this bag?

7 A. I am.

8 MR. WAKEFIELD: We offer State's Exhibit  
9 91.

10 (State's Exhibit No. 91 offered.)

11 MR. ANDERSON: May I take him on a brief  
12 voir dire, Your Honor?

13 THE COURT: For what?

14 MR. ANDERSON: The bag is sealed, Your  
15 Honor. And at least my understanding is he hasn't  
16 looked at this since -- and you correct me if I'm  
17 wrong -- since he initially submitted it. It may, in  
18 fact, be the cell phone cover, but unless he's looked  
19 at it, he's not able to really identify this as being  
20 the actual --

21 THE COURT: I'm going to overrule the  
22 objection. You can do that on cross-examination.

23 (Whereupon State's Exhibit Nos.

24 89-91 are admitted into evidence.)

25 Q. (By Mr. Wakefield) On 91, could you feel the

1 contents of this?

2 A. Yes.

3 Q. Do the contents inside feel exactly the same as  
4 the cell phone cover that you tagged into evidence?

5 A. Yes.

6 Q. Based on when you put it in there, did it feel  
7 the same way it does right now?

8 A. Yes, sir.

9 Q. If you were to open this bag and manipulate the  
10 contents and manipulate this cover, would that be a good  
11 thing?

12 A. No, sir.

13 Q. Explain to the jury why.

14 A. The possibility of additional testing,  
15 additional swabbing upon this item could be performed if  
16 so requested by the State, by the Governor, by the Judge,  
17 by the defense. So, if we open that up, we are  
18 potentially exposing it to outside sources of  
19 contamination. That's why it's sealed.

20 Q. Now, let's continue with your investigation.  
21 Locating this particular item, State's Exhibit 79, let's  
22 go to State's Exhibit 80. Can you tell what that is?

23 A. This is the photograph of the interior of the  
24 passenger side front door. Once again, this photograph is  
25 -- once again, this photograph is showing what is not

1 there, items such as blood, or anything like that, one of  
2 the things which I was asked to look at. You can see the  
3 armrest, the door handle, as well as the panel itself are  
4 clear.

5 Q. This is State's Exhibit 81. Can you tell us  
6 what this is?

7 A. This is a purse which I found inside the  
8 vehicle. And inside the purse was a Texas driver's  
9 license, which came back and is identified as the  
10 complainant in this investigation.

11 Q. On State's Exhibit 82, can you explain to the  
12 jury what this is?

13 A. This is a photograph of the driver's license  
14 inside of this purse. This is just a close-up of it so  
15 you can read it and also see the photograph which DPS  
16 affixed to the driver's license.

17 Q. Is the name of that Dominique Withoff?

18 A. It is.

19 Q. Is Dominique Withoff the person who was the  
20 complainant in both the aggravated sexual assault and also  
21 the aggravated robbery?

22 A. Yes, sir.

23 Q. Lastly, let's turn to State's Exhibit 83. Can  
24 you tell us what this is?

25 A. This is a set of keys which was found just

1 slightly underneath the front seat, passenger seat, laying  
2 on the floor. It had numerous keys, a car alarm fob, and  
3 a bottle opener or a church key.

4 Q. Would this set of keys you found, was that the  
5 one that started this car?

6 A. Not to my knowledge.

7 Q. All right. Now, after taking the photographs,  
8 after tagging that cell phone cover into evidence, what  
9 did you do next in your investigation of this car?

10 A. One of the additional items which I performed  
11 upon this vehicle is a method known as epithelial or  
12 contact DNA. By coming into contact with surfaces or  
13 objects, a person can transfer their DNA in the form of  
14 epithelials, which are skin cells, or sweat. One of the  
15 methods which we use to collect that DNA is called  
16 swabbing. Take two long sticks, cotton-tip swabs, they  
17 have a -- similar to a Q-tip, only they have a long wooden  
18 stem on them. They are inside of a sealed package. We  
19 open that package up. Of course, we are wearing nitrile  
20 gloves, sterile gloves. We open up that and remove those  
21 two swabs because they come with two. We always collect  
22 two of a sample. Moisten the tip, the cotton tip, and  
23 then we rub it upon that surface, moving it around.  
24 Thereby, anything on a dried surface upon that, such as  
25 sweat or skin cells, is then picked up and now becomes

1 attached to that cotton-tip swab.

2       We then take that swab, those swabs -- I place them  
3 back inside the sleeve in which they were sealed inside  
4 of. I then take that sleeve with these two swabs, place  
5 them into a new paper evidence bag -- once again, paper  
6 breathes -- seal that and label that bag with all the  
7 pertinent information, what's inside of it, the associated  
8 incident number, my signature, the date, the license plate  
9 number, or something that associates it back to where it  
10 came from.

11       In this instance, I swabbed the interior driver's  
12 door handle, the passenger interior door handle, the  
13 steering wheel of the vehicle, as well as the gear shift  
14 knob of the vehicle because these are all things that  
15 suspects are going to contact for certain inside that  
16 vehicle. The driver has to steer, he has to place it in  
17 into drive, he has to place it into park, he has to get  
18 out, so thereby he's got to grab the door handle to get  
19 out. So, the possibility of transferring these DNA  
20 samples onto those surfaces does exist.

21       Q.       Let's go back to these photographs so we know  
22 where you are taking these from.

23       Right now I'm showing you State's Exhibit 78. Is  
24 that the steering wheel that you had taken DNA swabs from?

25       A.       Yes.

1 Q. Look down a little farther behind it. Is that  
2 the gear shift?

3 A. As soon as you get it focused.

4 Q. There we go.

5 A. There we go.

6 Q. Is that the gear shift behind it?

7 A. Yes, sir.

8 Q. All right. And swabs were taken from both of  
9 those at the same time, or was one swab taken from each?

10 A. Two swabs from each of those surfaces. One set  
11 of two from the steering wheel, one set of two from the  
12 gear shift selector knob.

13 Q. This is State's Exhibit 77. Can you tell the  
14 jury what State's Exhibit 77 shows?

15 A. This is the driver's door anterior handle,  
16 which was swabbed. One set of two swabs were performed  
17 upon that handle.

18 Q. Let's look at State's Exhibit 80. And there is  
19 -- can you tell the jury what that is?

20 A. This is going to be the passenger side front  
21 door interior handle. One set of two swabs was recovered  
22 from that handle.

23 Q. Why did you decide to swab the passenger side  
24 handle?

25 A. Two suspects were reported to be involved in

1 this.

2 MR. WAKEFIELD: Approach the witness,  
3 Judge?

4 THE COURT: What if I said no, then what  
5 would you do?

6 MR. WAKEFIELD: I might throw this across  
7 the courtroom.

8 THE COURT: There are times when every  
9 lawyer has to approach a witness legitimately. You  
10 do not have to ask me to approach the witness.

11 MR. WAKEFIELD: Yes, Your Honor.

12 Q. (By Mr. Wakefield) All right. Can you take a  
13 look at State's Exhibit 84?

14 A. Yes, sir.

15 Q. Do you recognize that parcel?

16 A. I do.

17 Q. Is this parcel something that you had put  
18 together?

19 A. It is.

20 Q. Is it marked in the same way the other parcel  
21 that you had earlier was set up?

22 A. It is.

23 Q. And is it in substantially the same condition  
24 as it was when you tagged it?

25 A. Some slight variations.

1 Q. Can you tell the jury what those variations  
2 are?

3 A. Once again, it's labeled with my labeling here  
4 across the top, property room sticker is affixed to it,  
5 evidence tamper tape is affixed to it, my signature and  
6 the date. This one has been opened here across the top by  
7 the crime lab. The crime lab number and the signature are  
8 affixed right here. I've resealed this after opening it  
9 this morning with the assistant D.A. and observing the  
10 contents to confirm what is inside of this envelope.

11 Q. Can you open that, please?

12 A. (Witness complies).

13 Q. How many parcels were found inside that?

14 A. Four.

15 Q. Is that how many that you put in there when you  
16 tagged it into evidence?

17 A. It is.

18 Q. I'm showing you State's Exhibits 85, 86, 87,  
19 and 88. Can you explain to the jury what these are?

20 A. The epithelial contact swabs, which I just  
21 described to you. Each one of those sets are in these  
22 individual bags.

23 Q. Can you feel the bags? Are the swabs still in  
24 there?

25 A. I can feel the sticks inside of them, yes.

1 Q. All right. And let me ask you for  
2 clarification. Are those swabs the same kind of swabs  
3 that are taken by an officer if he is using -- trying to  
4 collect DNA from the mouth from someone?

5 A. The same or similar, yes.

6 Q. Those are the ones that are kept in boxes like  
7 these?

8 A. You can put them in boxes or you can return  
9 them to the sleeve in which they were opened out of. It  
10 depends on that particular officer's preference.

11 Q. All right. Are all four of these parcels that  
12 you have here, are those in substantially the same  
13 condition as they were when you tagged them into evidence?

14 A. They are, with the exception that they've been  
15 opened by the crime lab, but resealed right here.

16 Q. All right.

17 MR. WAKEFIELD: At this time, I offer  
18 State's Exhibits 84 through 88 into evidence.

19 (State's Exhibit No. 84 through 88  
20 offered.)

21 MR. ANDERSON: No objection, Your Honor.

22 THE COURT: They are admitted.

23 (Whereupon State's Exhibit Nos.  
24 84-88 are admitted into evidence.)

25 Q. (By Mr. Wakefield) After swabbing those

1 surfaces for any possible DNA that might be on there, what  
2 else did you do?

3       A.     I utilized 4-inch wide fingerprint lift tape  
4 and performed tape lifts upon the driver's seat, the  
5 cushion, as well as the back support, the front side --  
6 not the backside, but the front side where a person comes  
7 into contact while sitting in the driver's seat.

8       I also did this upon the passenger front seat, both  
9 the seat cushion and the back support, the front of it.  
10 This is to possibly recover any hairs or fibers which may  
11 have fallen from the suspect onto the seat or become  
12 affixed to the back support or the headrest area. We --  
13 as human beings, we lose hairs on a continuous basis. We  
14 have fibers which can transfer from our body to these  
15 surfaces. So, utilizing 4-inch wide fingerprint lift  
16 tape, it assists me in recovering those. I take the tape,  
17 place it upon the surface, smooth it out, and retrieve it  
18 up. It is then placed upon a plastic ziplock bag and is  
19 smoothed out across that. That is then placed inside a  
20 paper evidence bag. Everything being sealed with the same  
21 information in order to identify it. This is done in the  
22 possibility of recovering any DNA, hair, fibers, things of  
23 that nature.

24       Q.     After that, what next did you do with the car?

25       A.     I went completely through the vehicle looking

1 for items which the investigators specifically recovered  
2 -- or requested, things such as cell phones, laptop,  
3 jewelry, search for blood, weapons, things of this nature,  
4 and then an inventory of the vehicle.

5 Q. Were you able to find any of those items that  
6 had been requested?

7 A. I found some jewelry which was inside the purse  
8 which belonged to the complainant. Found numerous other  
9 things, but nothing specifically related to the  
10 investigation. I mean, picture frame, weights,  
11 miscellaneous papers. I found some receipts in the  
12 vehicle. However, the receipts were all dated prior to  
13 this incident occurring, the robbery and sexual assault  
14 occurring. So, those were just discarded. They were  
15 noted, but discarded.

16 Q. After doing all of that, did you ever try to  
17 swab the car for prints?

18 A. I dusted the vehicle for fingerprints, yes.

19 Q. Explain to the jury how you do that.

20 A. Utilizing graphite print powder and a brush,  
21 you collect the graphite print powder onto the brush and  
22 then dust upon the surfaces which you are looking to  
23 develop prints. Fingerprints are essentially sweat and  
24 oils from the human body and they are in the pattern of  
25 your fingertips. You can look at it and you can see the

1 pattern on your fingertips. You place it upon the surface  
2 and remove it. Chances are, if you didn't slide your hand  
3 or smudge it or smear it, that print would be there.

4       However, not every surface will adhere a print. You  
5 can't get a print from cloth, you can't get a print from  
6 certain plastics, or very rough surfaces because that  
7 doesn't allow that pattern to transpose onto that surface.  
8 So, things such as glass, metal car doors, soda cans, soda  
9 bottles, beer bottles, things of that nature, something  
10 smooth and good, we dust it.

11       If I develop a print, I utilize frosted lift tape,  
12 similar to the 4-inch wide, but it depends on how big of a  
13 print. Use lift tape, smooth it over the developed print.  
14 Now, the powder which is adhered in the same pattern as  
15 your fingertip is now transferred to that tape. That tape  
16 is then placed upon an index card which gives it a  
17 contrasting view when you look at it. Generally, if you  
18 use black print powder, place it upon a white index card  
19 or a card stock.

20       Now, the latent examiners can look at it and see all  
21 the details that they need to see in order to either  
22 effect an identification or a comparison. It may be a  
23 partial print, things of that nature. Then that card is  
24 then labeled with all the same information, who recovered  
25 it, maybe the date, the associated incident number, where

1 it came from, and then that is submitted to the latent  
2 lab.

3 Q. Did you lift any cards with prints on them from  
4 this particular car?

5 A. Yes, sir. I ended up recovering two cards of  
6 prints.

7 Q. Now, when you say -- when you say two cards of  
8 prints, how many prints could even be on that card?

9 A. There could be four, there could be five. I  
10 could have developed these prints right here on, say, the  
11 window. When I tape it, all of those prints are now  
12 adhered to that tape. That tape is then placed upon the  
13 card and sealed and smooth and labeled.

14 Q. And then you said you recovered two of those  
15 cards?

16 A. There were two cards with prints upon them.

17 Q. What did you do with those cards?

18 A. Those were placed into an evidence submission  
19 envelope for the latent print lab and placed into the  
20 latent lab lockbox.

21 Q. After you dusted the car for prints, did you do  
22 anything else in your investigation?

23 A. Let me make sure I didn't overlook anything for  
24 you.

25 I recovered the keys, which were found in the

1 cup-holder and upon the floor. The purse and all of its  
2 contents, I recovered that, and all of those items there  
3 were submitted to the Houston Police Department property  
4 room for storage as evidence. The photographs were  
5 uploaded to the photo lab server. And I removed this  
6 vehicle to the Dart lot where it was maintained until  
7 released at the authority of the robbery investigators.

8 MR. WAKEFIELD: Pass the witness.

9 MR. ANDERSON: Just a few questions.

10 **CROSS-EXAMINATION**

11 BY MR. ANDERSON:

12 Q. Officer Lambright, it would appear that you  
13 were quite methodical in your examination of this vehicle.

14 A. Thank you.

15 Q. Would that be a fair statement?

16 A. Thank you, and I appreciate it. And I try to  
17 do my best every time.

18 Q. I'm going to, I guess, say that perhaps that's  
19 based upon the training that you received and the  
20 experience that you have as -- or had as a crime scene  
21 investigator?

22 A. Yes, sir.

23 Q. Now, all officers don't have the training that  
24 you've demonstrated in this type of case, do they?

25 A. No, sir, they do not.

1 Q. And is -- I take it the crime scene officers  
2 are not requested to go to every location where there may  
3 be a crime that had taken place?

4 A. No, sir, not every crime that has taken place.  
5 The CSU unit is small in numbers. There's only about 20  
6 of us, and we respond mostly to major crime scenes.

7 Q. Now, you talked about -- I'm going to start  
8 with the fingerprint cards that you recovered. You talked  
9 about recovering two cards of fingerprints. Where did  
10 those prints come from? What part of the vehicle did they  
11 come from?

12 A. I could not tell you, sir. Each individual  
13 card has that specific information on the card.

14 Q. Okay. And did you place that information on  
15 the card yourself when you lifted it from whatever  
16 location it was lifted -- the print was lifted from?

17 A. Yes, sir.

18 Q. Okay. And once you did the lifting, once you  
19 placed the tape, or whatever the evidence is on the card,  
20 thereafter is when you submitted it to the latent print  
21 lab for purposes of their examination?

22 A. That's correct.

23 Q. Which you have no part in?

24 A. That's correct.

25 Q. All right. Now, you talked about the different

1 surfaces that prints may be found on and those where  
2 prints may not by be found on. Some of the surfaces you  
3 talked about in terms of where prints may be found, you  
4 talked about glass, you talked the about metal, hard  
5 smooth surfaces are the type of surfaces where one might  
6 find some prints, correct?

7 A. Correct.

8 Q. Now, even with your experience, you wouldn't  
9 necessarily look at a -- let's say a piece of glass, or a  
10 piece of metal, or a smooth surface and with your own eyes  
11 always see evidence of a latent print, correct?

12 A. That's correct.

13 Q. And that's why you use the dust or the powder,  
14 in order to bring out the print, if there is one, on that  
15 type of surface?

16 A. That's correct.

17 Q. Now, is it possible to find latent prints, say,  
18 on a hard plastic, a smooth, hard, plastic surface?

19 A. Yes, sir, it is possible.

20 Q. Such as a credit card, or a debit card, or a  
21 driver's license, it's possible to lift prints from that  
22 type of object if handled by someone?

23 A. It is possible.

24 Q. Now, the only way, I guess, anyone could  
25 determine if there are prints on that type of object where

1 we're talking about credit cards, debit cards, driver's  
2 license, is to, perhaps, do the exact same thing that you  
3 did with dusting certain areas to see if there are some  
4 prints on it?

5 A. Correct.

6 Q. Now, when you recovered the driver's license of  
7 Ms. Withoff from the vehicle, did you attempt to dust  
8 that, the driver's license, to see if there may be some  
9 prints on it?

10 A. Not to my knowledge.

11 Q. Okay. Of course, you weren't given any credit  
12 cards, or debit cards, or anything like that for purposes  
13 of submission to the latent print lab, were you?

14 A. No, sir.

15 Q. Now, you had nothing to do in the recovery of  
16 this vehicle, correct?

17 A. That's correct.

18 Q. The first time you saw it was there at the Dart  
19 office -- or the lot or bay; is that correct?

20 A. That's correct.

21 Q. In terms of the actual condition under which  
22 that vehicle was at the time that it was recovered, that  
23 would be in the personal knowledge of the officer or  
24 officers who actually recovered it, right?

25 A. Correct.

1 Q. And whether the doors of that vehicle were  
2 locked or unlocked, it would be those officers that would  
3 be able to describe the condition of the doors at the time  
4 it was recovered?

5 A. Hopefully.

6 Q. Now, you talked about State's Exhibit No. 91,  
7 which was the paper bag that was sealed that has -- I'll  
8 say purports to have the backing of the cell phone in it.  
9 Is it sealed as it was when you placed that object in that  
10 bag or has it been resealed after you recovered it and  
11 placed it in State's Exhibit No. 91?

12 A. As that particular object sits here today, that  
13 bag has been opened and resealed.

14 Q. Now, had it been opened by you?

15 A. No, sir.

16 Q. Okay. It had been opened by someone else after  
17 you placed the object in there and sealed it with your own  
18 seal?

19 A. Correct.

20 Q. And I know you talked about not wanting to open  
21 it, the possibility of subsequent examination, you don't  
22 want to contaminate it. It had already been opened, and,  
23 perhaps, already been examined by someone else, correct?

24 A. Correct.

25 Q. So, if there's any possibility of

1 contamination, or any type of altering of that object for  
2 purposes of future examination, that may have already  
3 taken place, correct?

4 A. You would have to take that up with the crime  
5 scene -- or the lab technician who opened it and swabbed  
6 it and then replaced it.

7 Q. Actually, that is what, in fact, took place, at  
8 least that's what you anticipate with you submitting it to  
9 the crime scene for their examination, that someone would  
10 ultimately open up that bag, examine it, swab it, and do  
11 whatever testing needed to be done on it, correct?

12 A. That's the intent, yes, sir.

13 Q. Thank you, sir.

14 MR. ANDERSON: I'll pass the witness, Your  
15 Honor.

16 MR. WAKEFIELD: Nothing further, Your  
17 Honor.

18 THE COURT: You may be excused.

19 THE WITNESS: May I be released, sir?

20 THE COURT: Yes.

21 THE WITNESS: Thank you very much.

22 MR. WAKEFIELD: The State calls Tempe  
23 Parks.

24 THE BAILIFF: The witness needs to be  
25 sworn in, Judge.