

1 jury.

2 (Jury seated.)

3 THE COURT: Y'all may be seated.

4 Call your next.

5 MS. MAGNESS: State calls D. C.

6 Lambright.

7 THE COURT: All right.

8 THE BAILIFF: Your Honor, this

9 witness has not been sworn.

10 THE COURT: All right. Come on up,

11 sir.

12 THE WITNESS: Yes, sir.

13 THE COURT: Raise your right hand.

14 (Witness sworn.)

15 THE COURT: Have a seat, please.

16 You may proceed.

17 MS. MAGNESS: Thank you, Judge.

18 **D. C. LAMBRIGHT,**

19 having been first duly sworn, testified as follows:

20 **DIRECT EXAMINATION**

21 **BY MS. MAGNESS:**

22 Q. Good morning.

23 A. Good morning.

24 Q. Will you introduce yourself to our jury,

25 please?

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

2           Q.    And, Mr. Lambright, are you currently  
3 employed?

4           A.    No, ma'am.

5           Q.    Are you retired?

6           A.    I am.

7           Q.    How is that treating you?

8           A.    Very well.

9           Q.    Prior to retiring, who did you work for?

10          A.    City of Houston Police Department.

11          Q.    How many years did you serve with the  
12 department?

13          A.    Twenty-seven years.

14          Q.    At the conclusion of your career, where  
15 were you assigned?

16          A.    I was assigned to the Crime Scene Unit  
17 where I worked as a Crime Scene Investigator.  
18 Specifically I was assigned to the Vehicle  
19 Examination Building.

20          Q.    And as part of your duties with that  
21 unit, what functions and activities did you perform?

22          A.    The same functions and activities as a  
23 Crime Scene Investigator when they go to the scene,  
24 well, we do the same thing at the Vehicle Exam  
25 Building.  We process vehicles used in or associated

1 with crimes. We document the vehicles. We collect  
2 the evidence that is within or upon the vehicles,  
3 process it just like you would a crime scene inside  
4 of a house, an apartment. The only difference is  
5 this is a mobile crime scene.

6 Q. Specifically with reference to this  
7 case, did you conduct or process a vehicle  
8 associated with this homicide?

9 A. Yes, I did.

10 Q. And did that occur on Friday, November  
11 the 4th of 2011?

12 A. Yes, it did. That's when I began  
13 processing the vehicle.

14 Q. And tell us again where is that Vehicle  
15 Processing Exam Building located.

16 A. It's located on Dart Street. It's often  
17 referred to as the Dart Lot, which is a storage lot  
18 for the Houston Police Department. And the Vehicle  
19 Examination Building or the Print Stall -- it's  
20 called both -- is where the vehicles are examined  
21 for evidence by myself or my partner.

22 Q. When a vehicle is removed from a crime  
23 scene, how does it get from the crime scene to the  
24 examination building?

25 A. It's usually brought in on the back of

1       either an Apple Towing wrecker or a City of Houston  
2       Police Department tow truck, and it is followed by a  
3       Houston police officer to maintain the chain of  
4       custody of that vehicle to ensure no one tampers  
5       with it.

6                       MS. MAGNESS:   May I approach the  
7       witness, Judge?

8                       THE COURT:    You may.

9               Q.    (By Ms. Magness)   I'm going to show you  
10       what's been marked for identification purposes as  
11       State's Exhibits 61 through 79.

12              A.    Yes, ma'am.

13              Q.    And then Items 80 and 82.

14              A.    Yes, ma'am.

15              Q.    Do you recognize those photographs?

16              A.    Yes, I do.

17              Q.    And are you the individual who took  
18       them?

19              A.    Yes, I am.

20              Q.    And are these the photographs that  
21       correspond to your examination of the vehicle in  
22       this case?

23              A.    Yes, ma'am.

24              Q.    Okay.  Give the jury a description of  
25       the vehicle that you examined, please.

1           A.    Yes, ma'am.  This was a blue 2006  
2 Chrysler Sebring, four-door; and it had Texas  
3 license plate, reflecting from my offense report,  
4 967-LMV.

5                   MS. MAGNESS:  Tendering State's  
6 Exhibits 61 through 79, State's Exhibits 80 and 82  
7 to opposing counsel and offering them into evidence.

8                           (State's Exhibits No. 61 through 80  
9 and 82, Photographs, offered.)

10                   MR. CORNELIUS:  No objection,  
11 Judge.

12                           THE COURT:  Without objection, 61  
13 through 82 are admitted.

14                           I'm sorry.  61 through 80 and 82  
15 are admitted.  There's no 81, right?

16                           MS. MAGNESS:  That is correct,  
17 Judge.

18                           (State's Exhibits No. 61 through 80  
19 and 82 admitted.)

20                           MS. MAGNESS:  May I publish them,  
21 Judge?

22                           THE COURT:  You may.

23           Q.    (By Ms. Magness)  All right.  Upon  
24 examination of this vehicle, what was the first  
25 thing that you noted?

1           A. Well, the first thing I noted was that  
2 the vehicle was torn up pretty badly. It had  
3 obviously been involved in some sort of crash.

4           Q. I'm showing the jury there State's  
5 Exhibit No. 61. I'm assuming all of that heavy  
6 front end damage is the condition that that vehicle  
7 arrived in?

8           A. Yes, ma'am.

9           Q. When you were examining the vehicle, did  
10 it still have part of that chain-link fence sort of  
11 up underneath it?

12          A. I believe it did, yes.

13          Q. And can you tell me about the condition  
14 of -- I believe it's the front tires?

15          A. The front tires were blown and separated  
16 from the rim.

17          Q. Was that indicative to you of some type  
18 of obvious impact coming into contact with a fence  
19 or some other -- some other item?

20          A. It could be caused by striking the curb,  
21 high impact, things of that nature. Yes, that's not  
22 uncommon for that to happen.

23          Q. I'm going to show the jury a few more  
24 pictures here. State's Exhibit No. 63, showing that  
25 front end damage. State's Exhibit 64, the shattered

1 windshield. And I think State's Exhibit No. 65  
2 gives us some indication of that chain-link fence  
3 still wrapped around part of the vehicle and the  
4 condition of the tires and the rims?

5 A. Yes, ma'am.

6 Q. On external examination of the vehicle,  
7 did you find evidence of bullet strikes?

8 A. Yes, I did.

9 Q. And what location did you find evidence  
10 that the vehicle had been struck by a bullet?

11 A. Upon the driver's side back door there  
12 were two bullet strikes, one upon the actual body of  
13 the door, the metal body. A grazing strike had  
14 struck that. It did not penetrate into the door  
15 itself. It simply struck and then went out into  
16 wherever.

17 The other bullet strike was upon the  
18 same driver's side back door on the window. The  
19 bullet had struck the window, penetrated into the  
20 cabin of the vehicle. It struck the upper back left  
21 of the driver's seat back support. That bullet then  
22 traveled through that back support and exited the  
23 front of the upper left back support of the driver's  
24 seat.

25 That bullet was no longer found. It was

1 not recovered, and no further strikes from this  
2 bullet were located within that vehicle.

3 Q. So let's break that down a little bit.

4 Let's start, first of all, State's  
5 Exhibit No. 78. Now, is that the photograph that  
6 you -- does that photograph depict the grazing  
7 bullet strike that you're referring to?

8 A. No, ma'am.

9 Q. Okay. Which -- tell us what this  
10 photograph is depicting?

11 A. This is some type of damage from the  
12 collision.

13 Q. Okay.

14 A. This is the front of the driver's door  
15 weather stripping at the back of the door. This  
16 right here (indicating) is the back of the door.  
17 This right here is going to be the back -- the front  
18 of the driver's back side door (indicating).

19 Q. Okay. Show me -- because I don't think  
20 I have a specific picture of the grazing strike that  
21 you're talking about.

22 A. We do. We do.

23 Q. We do? Can you help me find that?

24 A. Right there (indicating).

25 Q. There it is.

1           A.    There you go.  Leave it alone.

2           Q.    Okay.  Just grabbed the wrong one.

3           A.    Right there.  That is the grazing strike  
4 upon the exterior side of the driver's side back  
5 door (indicating).

6           Q.    Okay.  That doesn't penetrate, correct?

7           A.    Does not penetrate.  And if you look  
8 right above it on the window, right there  
9 (indicating), that is the penetrating second bullet  
10 strike upon this vehicle.

11          Q.    All right.  Let's take a close-up look.  
12 Is that giving us a little closer look of that  
13 penetrating strike?

14          A.    Yes, ma'am, it does.  This is the hole  
15 which was created by a fired bullet.  It struck upon  
16 this window (indicating).  And the window is tinted,  
17 and window tinting will hold that glass in place.  
18 So that's why it didn't just collapse.

19          Q.    Now, after entering the window of the  
20 vehicle, you indicated that it penetrated first the  
21 back of the driver's side seat?

22          A.    Yes, ma'am.

23          Q.    And I'm showing State's Exhibit No. 76.  
24 Is that what you're pointing to there in that  
25 photograph?

1           A.    Yes.  Yes, it is.

2           Q.    Okay.  And then traveled through the  
3 seat and exited the front of the driver's seat?

4           A.    Yes, ma'am.

5           Q.    Okay.  Now, you don't find any secondary  
6 strike inside the vehicle to indicate that that  
7 bullet ever travels any further than through that  
8 seat?

9           A.    When it exited this front side of that  
10 seat right there, there's only one last place that  
11 that bullet went.

12          Q.    And where is that?

13          A.    Into the driver.

14          Q.    You -- you took some photographs during  
15 your processing to show the trajectory of that  
16 bullet.  Let me find it real quick.

17                   Starting with State's Exhibit No. 70,  
18 what is the purpose of these trajectory rods?

19          A.    The trajectory rods are used in order to  
20 illustrate the path that a fired bullet took.  When  
21 it strikes an object and goes through it and then  
22 strikes another object, we can use this trajectory  
23 rod to get the angle of where the bullet came from  
24 and the path it took.  So it gives you a better,  
25 clearer idea, the bullet came from here, traveled

1 through the window, struck the back of the seat,  
2 exited the front of the seat and would have kept  
3 going in that direction just like that (indicating).

4           However, nothing was found after it  
5 exited the front of that seat. No other strikes  
6 upon the dash, the steering wheel, the floors,  
7 nothing. And since I cannot find where that bullet  
8 ended up, I presumed it's in the driver.

9           Q. State's Exhibit No. 71 just gives us a  
10 secondary angle of that trajectory rod. And State's  
11 Exhibit No. 77 gives us a final view of that bullet  
12 passing through the driver's side seat?

13           A. Correct.

14           Q. Okay. All right. State's Exhibit  
15 No. 79, what are you documenting here for us?

16           A. This is a photograph of the front  
17 passenger floorboard of this vehicle. And the  
18 reason this photograph is taken is it shows several  
19 things of interest. No. 1, the Domino's Pizza here  
20 packaged there, so this person was obviously an  
21 employee of Domino's delivering pizzas. And there  
22 were boxes with pizzas in there.

23           It also shows this cardboard sheet  
24 laying there (indicating). Upon that cardboard  
25 sheet are -- is a running list of stickers. It

1 shows addresses, names, phone numbers, order time,  
2 delivery time or approximate delivery time. So this  
3 is a running record of where this driver had been or  
4 and was going. I'm assuming it's for his records  
5 with his company.

6 Q. So we follow up with State's Exhibit No.  
7 80. You were documenting that that bag still  
8 carried the pizza contents?

9 A. Yes, ma'am. There's a pizza box there,  
10 there, and hot wings (indicating).

11 Q. And State's Exhibit No. 82, you have  
12 taken a close-up of the sticker label on that box.  
13 This is the delivery that was scheduled for 5430  
14 Madden. What is the total amount on that delivery?

15 A. \$32.23 is what it shows.

16 MS. MAGNESS: I'll pass the  
17 witness.

18 THE COURT: Mr. Cornelius?

19 **CROSS-EXAMINATION**

20 **BY MR. CORNELIUS:**

21 Q. Officer Lambright, we know each other;  
22 but we've never talked about this case, right?

23 A. That's right, sir.

24 Q. We've talked about a lot of things.

25 A. We've talked about lots together.

1 Q. All right.

2 MR. CORNELIUS: Judge, can I use  
3 the system myself?

4 THE COURT: Yes, sir.

5 Q. (By Mr. Cornelius) I'm going to put up  
6 State's 62. Talk about that.

7 MR. CORNELIUS: Can I approach the  
8 witness, Judge?

9 THE COURT: Yes, sir.

10 Q. (By Mr. Cornelius) I'm using this as my  
11 imaginary car right here (indicating). So if -- if  
12 this is the front of the car and these are the doors  
13 in here (indicating), you're saying that there's a  
14 bullet strike or what you believe to be a bullet  
15 strike on the door right here, this mark right there  
16 (indicating)?

17 A. Yes, sir.

18 Q. And one a foot, 2 foot above it, half --  
19 1 1/2 feet, something like that?

20 A. Sure.

21 Q. So we've got one here (indicating) and  
22 one above it?

23 A. Yes, sir.

24 Q. So somebody could have gone boom, boom,  
25 like that?

1           A.    Correct.

2           Q.    That fast, too, probably?

3           A.    Probably.

4           Q.    Now, you didn't make this scene, right?

5           A.    No, sir, I did not.

6           Q.    And I'm probably not -- I probably need  
7 to be a little more this way to have a shot go  
8 through the window, the back window, and actually  
9 still hit the driver (demonstrating)?

10          A.    Yes, sir.

11          Q.    So probably more about like this  
12 (demonstrating) or depends on how far the car was  
13 away from the time it was shot, right?

14          A.    Right.

15          Q.    Would there be any way to get some sort  
16 of soot or stippling or something -- what people  
17 call powder burns out of either of these?

18          A.    Well, the only way we would be able to  
19 do that -- I mean, we could do a tape lift upon  
20 those surfaces in the hopes of getting some powder;  
21 but all that would tell us was was the shooter 2  
22 feet from the car, 5 feet from the car because the  
23 further away from that car you get the less likely  
24 you're going to leave powder.

25          Q.    So if he wasn't a couple of feet from

1 the car, you wouldn't get any powder on there. If  
2 he was 10 feet away, you wouldn't get powder. If he  
3 was probably 5 feet away, you wouldn't get powder.  
4 If he was 50 feet away, you wouldn't get powder.

5 A. I agree.

6 Q. You'd have to be on top of it for there  
7 to be powder?

8 A. Well, you'd have to be within a certain  
9 amount of distance. I'd say you may be able to find  
10 some burnt powder in the area of that area, but you  
11 wouldn't get stippling or anything unless that was  
12 right up against that car.

13 Q. Okay. Y'all didn't look for that?

14 A. No, sir, I didn't.

15 Q. So there's no way that you know whether  
16 there was another bullet strike or other bullet  
17 strikes out at the scene because you never went out  
18 there?

19 A. You mean on the street or --

20 Q. Yeah.

21 A. -- or trees or houses?

22 Q. Right.

23 A. No, sir, I don't know that.

24 Q. Okay.

25 MR. CORNELIUS: Let me just review

1 his report for just one second, Judge.

2 THE COURT: Yes, sir.

3 (*Brief pause.*)

4 Q. (By Mr. Cornelius) And, of course, the  
5 back of the car, I mean, you checked it for bullet  
6 strikes?

7 A. Yes, sir.

8 Q. Rear window is all intact, the whole  
9 back of the car. The damage was in the front?

10 A. The damage was in the front from the  
11 collision.

12 Q. From the collision. No bullet strikes  
13 anyplace on the car that you could find?

14 A. No, sir.

15 Q. Okay. Great to see you, but I don't  
16 have any more questions.

17 A. Great to see you. Thank you.

18 THE COURT: Ms. Magness.

19 MS. MAGNESS: One quick follow-up.

20 **REDIRECT EXAMINATION**

21 **BY MS. MAGNESS:**

22 Q. Two bullet strikes on the car?

23 A. Correct.

24 Q. We can't say which is first and which is  
25 second, can we?

1           A.    No, we cannot.

2           Q.    So it is just as likely that that shot  
3 through the window was the first shot fired and then  
4 the second shot was the grazing one on the door?

5           A.    Correct.  I mean, it could go either  
6 way.  Unless I was there, I can't tell you.

7           Q.    Got it.

8                   MS. MAGNESS:  No further questions.

9                   THE COURT:  May this witness be  
10 excused?

11                  MR. CORNELIUS:  Yes, sir.

12                  THE COURT:  All right.  Thank you,  
13 Mr. Lambright.

14                  THE WITNESS:  Thank you.

15                  THE COURT:  Call your next, State.

16                  MS. MAGNESS:  The State calls  
17 Dr. Kathryn Haden-Pinneri.

18                  THE BAILIFF:  Your Honor, this  
19 witness has not been sworn.

20                  THE COURT:  Come on up, ma'am.  
21 Please raise your right hand, Doctor.

22                           *(Witness sworn.)*

23                  THE COURT:  Have a seat, please.  
24 You may proceed.

25                  MS. MAGNESS:  Thank you, Judge.