

1 Q. And walk us at -- through as you entered through the
2 front door, what you found in the living room area as you first
3 walked in.

4 A. When you first enter you see a lot of, like, packing
5 boxes with things. Then there's blood and -- what appears to
6 be blood, and what appears to be feces stains along the -- the
7 center of the living room that just kind of, from here down
8 into here, you have blood drops and smears across the carpet,
9 and then on some of the boxes in here, some on the walker,
10 we've got some on the couch.

11 Q. Now, I've noticed in your diagram you have different
12 numbers for certain spots, and the living room I'm seeing 8, 9
13 and 10. What do these numbers signify?

14 A. These numbers are actual pieces of articles that I
15 picked up and took with me.

16 Q. Okay. And we'll go into the photographs to
17 illustrate these later, but for right now I'm just using the
18 floor plan. Could you tell us these items 8, 9, and 10 that
19 you found in the living room, what were they?

20 A. These were blankets that -- this was like a blanket
21 that had been covering the sofa. The seat of the sofa part was
22 covered with the blanket. Same thing with the love seat, and
23 No. 8 I believe was just a crumpled blanket on the -- in the
24 dining room by the table.

25 Q. Let's talk about blankets 8 and 9 that you found.

1 Did you find any sort of stains on these blankets?

2 A. Yes, they did appear to be stained with blood.

3 Q. After you photographed, processed the living room and
4 noticed these items of evidence, where did you go next?

5 A. Well, when -- before I -- I didn't process this yet,
6 I --

7 Q. I mean when you did your walk-through, when you
8 walked through and noticed all these pieces of evidence, what
9 did you do next?

10 A. I walked through here, and then I followed this into
11 here, into the bathroom.

12 Q. And tell us what you found in the bathroom.

13 A. A lot of blood.

14 Q. Where exactly?

15 A. I had watered down blood drops in here, and then
16 the -- the tub had a great deal of blood in the -- the bottom
17 of the tub, plus I had blood droplets on the wall and on the
18 ceiling.

19 Q. Where did you go next after the bathroom?

20 A. Hmm, at the time this door was initially locked, so
21 I -- I mean, later on we were able to get access into this to
22 photograph that. I checked through here, and ended up in the
23 kitchen area.

24 Q. Okay. Before we talk about the kitchen, let's talk
25 about these two bedrooms, the one that was initially locked and

1 you later got into, the other one that was already unlocked,
2 and the secondary bathroom here. Did you find any items of
3 evidentiary significance in either these two bedrooms or this
4 bathroom?

5 A. No.

6 Q. Any bloodstains?

7 A. No.

8 Q. Anything that looked important at all?

9 A. No.

10 Q. Tell us what you found in the kitchen.

11 A. Hmm, in the -- in the kitchen there was -- at the
12 back end of the kitchen was sort of like a little alcove where
13 you could fit your washer and dryer, and there was a dryer on
14 one end and washer on the other, and then trash can in here. I
15 had adult diapers that were dirty, soiled with feces here.
16 Then in the washing machine I had -- it was filled with dirty
17 laundry that someone had taken the powdered laundry detergent
18 and poured that on top of it but they hadn't set the washer to
19 go.

20 Q. And tell us sort of generally the nature of the
21 clothing items that you found inside the washer. Generally
22 what were they and what was their condition?

23 A. Hmm, well, without listing each particular article
24 that I had, I had articles that were soiled with feces and
25 blood.

1 Q. After you surveyed the laundry area here and the
2 kitchen, did you go out onto the patio?

3 A. Yes.

4 Q. What did you see out on this patio area here?

5 A. This is like a weight bench, and there was a -- I
6 think it was an energy drink, I'd have to go back and look at
7 what no. 3 is, but it was either like a power drink can or --
8 like I said, I need to go back and see exactly what kind of can
9 that was, but I could look out over -- like over top of the
10 patio, you look down, these are -- it's like a hedge with
11 shrubbery, and this is just grass. This is pretty dark out in
12 this area, but you could see that I had Miller Lite beer
13 bottles, and I think a Steel Reserve bottle out here, these
14 items.

15 Q. And so 4, 5, 6, and 7, these are all beer bottles or
16 malt liquor bottles?

17 A. Yes. And right in here there was an empty cardboard
18 case for the Miller Lite.

19 Q. You can have a seat, Officer Langford.

20 A. (Complies.)

21 Q. I'm going to go through some of these photographs one
22 by one so the jury can get a sense of what exactly you found
23 out there. As I put 'em up, if you could just tell us what we
24 are looking at here. I'm going to start with State's Exhibit
25 No. 12.

1 A. This is the front door.

2 Q. To apartment 1708?

3 A. Yes.

4 Q. State's Exhibit No. 13?

5 A. When you open the front door, the first thing you're
6 going to see is the couch with a walker, and there's a
7 television set underneath the walker, so -- I mean, it wasn't
8 like the walker was just placed there, because you couldn't get
9 that out from the television set easily.

10 Q. And I notice we see what appear to be some stains on
11 the carpet. What type of stains were those, or were you able
12 to determine?

13 A. It appeared to be blood or feces.

14 Q. State's Exhibit 14?

15 A. This is the walker, placed over the television set.

16 Q. State's Exhibit No. 15?

17 A. The walker placed over the television set, and this
18 right here, and it's kind of hard to tell from that picture, is
19 a blood drop.

20 Q. On the walker itself?

21 A. Yes.

22 Q. State's Exhibit 16?

23 A. This is the brown blanket that was draped over the
24 couch, and that would be article no. 9.

25 Q. State's Exhibit No. 17?

1 A. The article no. 9 with the placard.

2 Q. And again, were there any stains that you observed on
3 this blanket here?

4 A. Yes, this appeared to be blood.

5 Q. State's Exhibit No. 18?

6 A. A closer shot of that.

7 Q. State's 19?

8 A. This is the carpet in front of the couch. Hmm, what
9 we're looking at is various stains. Some of these appear to be
10 feces, some of these appear to be blood.

11 Q. State's Exhibit No. 20?

12 A. This is the love seat in the northwest corner of the
13 room, and no. 10 is the blanket that was on the love seat.

14 Q. And did there appear to be any visible stains on this
15 particular blanket?

16 A. I don't recall. I don't think there were any stains
17 on that one.

18 Q. State's Exhibit 21?

19 A. This is, the blanket down here under the table would
20 be article no. 8, that's on the east -- yeah, east side of the
21 apartment.

22 Q. Okay. And is this in the same general living room
23 area that we're seeing?

24 A. Yes.

25 Q. Okay. State's Exhibit No. 22?

1 A. A close-up of that blanket.

2 Q. And did there appear to be any stains on this
3 blanket?

4 A. Yes.

5 Q. And were you able to determine what type or what they
6 appeared to you to be?

7 A. I don't recall if that one had feces or blood or
8 both.

9 Q. And let me ask you this, when you're collecting
10 evidence at a scene or observing stains, are there any sort of
11 chemical tests that you're doing right then and there to
12 determine for sure if a substance is blood or feces?

13 A. Not at -- not in the field, not that we're doing.

14 Q. And who does that sort of testing?

15 A. The lab.

16 Q. Okay. So you're just making visual observations of
17 what a substance might be?

18 A. Yes.

19 Q. Okay. State's Exhibit No. 23?

20 A. This photo was taken from the north side of, like
21 where that love seat is, the end of the -- the living room
22 looking back towards the kitchen.

23 Q. So we're kind of turning around moving from left to
24 right around the living room?

25 A. Correct.

1 Q. Okay. And State's Exhibit No. 24, what perspective
2 did this show?

3 A. This would be, you're continuing to move towards the
4 hallway, now you're shooting the camera back towards the couch.

5 Q. And finally, State's Exhibit 25?

6 A. You're standing in the kitchen area shooting towards
7 the patio.

8 Q. So we've kind of done a 360 around the living room?

9 A. Yes, sir.

10 Q. And this area back here, does this lead to the back
11 patio?

12 A. Yes, it does.

13 Q. And this would lead to one of the bedrooms?

14 A. Yes.

15 Q. Okay. State's Exhibit 26?

16 A. You're standing in the middle of the living room
17 shooting towards the bathroom door.

18 Q. And you mentioned a case of -- I guess beer earlier,
19 is this what we're seeing in State's Exhibit 26?

20 A. Yes. It's the empty box.

21 Q. And it appears to be Bud Light?

22 A. Correct.

23 Q. State's Exhibit 27?

24 A. This is walking the viewer towards the bathroom door.

25 Q. 28?

1 A. Closer towards the bathroom door.

2 Q. Did you notice any stains on the carpet in the area
3 just outside of the bathroom door?

4 A. Yes, I did. This appears to be blood.

5 Q. State's Exhibit 29?

6 A. The entry into the bathroom.

7 Q. And again, did you notice any stains on the bathroom
8 floor just near the door?

9 A. Yes.

10 Q. And what kind of stains were those?

11 A. These also appeared to be blood.

12 Q. State's Exhibit 30?

13 A. A closer shot of blood, or what appeared to be blood
14 into the bathroom.

15 Q. State's Exhibit 31?

16 A. This is a shot from -- the bottom of this photograph
17 would be aligned with the bathroom sink and the top left-hand
18 corner would be aligned with the entry, the bathroom door.

19 Q. And again, more blood on the floor?

20 A. Correct.

21 Q. State's Exhibit 32?

22 A. This is -- the bottom of the photograph would be as
23 you've entered into the bathroom from the hallway.

24 Q. State's Exhibit 33?

25 A. This is the -- the toilet cover that's sitting on top

1 of the wicker basket.

2 Q. And did you notice any stains on the wall, I guess
3 this would be the left side wall as you're entering into the
4 bathroom?

5 A. Yes. There appeared to be bloodstains here and then
6 on the tile of the back of the shower.

7 Q. State's Exhibit 34?

8 A. It's hard to see on this screen, but there are blood
9 droplets on these tiles.

10 Q. State's Exhibit 35?

11 A. Yes, here you begin to see more blood in this area,
12 and this down here is blood. This on the side of the tub is
13 blood. Right here is blood.

14 Q. So more blood on the right side of the bathroom
15 shower than on the left side?

16 A. Yes. The drain is on that side.

17 Q. State's Exhibit 36?

18 A. Yes, that gets the viewer closer to the drain and the
19 east side of the bathtub.

20 Q. And all these droplets that we're seeing over here,
21 does that appear to be blood?

22 A. Yes, it does.

23 Q. State's Exhibit 37?

24 A. Yes, all that appear to be blood.

25 Q. 38?

1 A. This would be blood going down the drain.

2 Q. State's 39?

3 A. Blood drops above the tile.

4 Q. State's Exhibit 40?

5 A. Here I have what appears to be blood drops as high as
6 the -- the shower nozzle and actually higher up onto the
7 ceiling.

8 Q. Okay. Right here?

9 A. Yes.

10 Q. Also bloodstains going all the way up to the ceiling?

11 A. Yes, sir.

12 Q. Okay. State's Exhibit 41?

13 A. This is the light switch beside the door, and it
14 appeared to be stained with transferred bloodstains.

15 Q. State's Exhibit 42?

16 A. We are back in the living room, pointing the viewer
17 towards the kitchen.

18 Q. State's Exhibit 43?

19 A. These are the boxes outside the kitchen doorway, and
20 these are bloodstains on the boxes.

21 Q. Here and here I guess is what you're talking about
22 (indicating)?

23 A. Yes, sir.

24 Q. And for reference, I guess am I pointing to the same
25 thing, State's Exhibit 42 and 43, the boxes we're talking

1 about?

2 A. Yes, you are.

3 Q. State's Exhibit 44?

4 A. This is entering the kitchen.

5 Q. State's 45?

6 A. Here we are at the back end of the kitchen. We have
7 the washing machine on the left and the trash can below it.

8 Q. State's 46?

9 A. Because all the articles that were inside the washing
10 machine were together, and I took everything in that washing
11 machine, I just included it as one evidence marker of items
12 that would be listed as article no. 1.

13 Q. State's Exhibit 47?

14 A. This would be the -- the top side of the pile of
15 clothing.

16 Q. And I guess we can -- are we able to see at least the
17 top portion of the pile of clothing that you --

18 A. Yes, we are.

19 Q. Okay. I want to go through the items that you found
20 inside that washing machine. Let's first start with State's
21 Exhibit 48.

22 A. Okay. This is actually after everything else has
23 been taken out. This was a Band-Aid that appeared to be a
24 bloody Band-Aid.

25 Q. And this is one of the pieces of items that you

1 collected and tagged I guess collectively as State's 1?

2 A. Correct.

3 Q. I'm sorry, as no. 1.

4 State's Exhibit 49, tell us what this is.

5 A. This is a pink pillow case that appears to be stained
6 with blood and feces.

7 Q. And I notice that -- I mean, am I correct in assuming
8 here the bottom part is wet and it looks like the top part is
9 dry?

10 A. Yes, it is.

11 Q. State's Exhibit 50?

12 A. Oh, I can't tell from here if that is a towel or the
13 t-shirt.

14 Q. Let me show you State's Exhibit 51.

15 A. Okay. So that would be the white towel, and 51 is
16 the t-shirt.

17 Q. Okay. And are we looking at the inside or the -- I
18 mean, I guess is this shirt inside out? Is it normal? What
19 perspective is this shirt that we're looking at?

20 A. Yes, this shirt is inside out.

21 Q. And again, blood and feces?

22 A. Correct.

23 Q. State's 52?

24 A. These are petite size black capri pants that have
25 been turned inside out, and they are also stained with blood

1 and feces.

2 Q. Okay. What's this white stuff that we also see?

3 A. That's the laundry powder.

4 Q. State's 53?

5 A. Oh, heather gray shorts.

6 Q. State's 54?

7 A. Another towel.

8 Q. 55?

9 A. Another towel.

10 Q. 56?

11 A. Like a dish towel.

12 Q. And did this dish towel appear to have stains on it?

13 A. Yes.

14 Q. What type?

15 A. Blood and feces.

16 Q. State's 57?

17 A. This was like a little washcloth kind of thing.

18 Q. State's 58?

19 A. A -- like a floral pattern hand towel.

20 Q. And again, were there stains on this floral patterned
21 hand towel?

22 A. Yes.

23 Q. What kind of stains?

24 A. They appeared to be blood and feces.

25 Q. State's 59?

1 A. The trash can.

2 Q. Now, I notice we see what appears to be a stain on
3 the wall. What type of stain did this appear to be?

4 A. That did not appear to be blood or feces.

5 Q. So I guess just dirt or some other material?

6 A. Correct.

7 Q. State's Exhibit 60?

8 A. This is the top view into the trash can.

9 Q. And then just remind us, what did you discover in
10 this trash can?

11 A. There were two adult diapers that were stained with
12 feces.

13 Q. State's 61?

14 A. A close-up shot of the diapers.

15 Q. State's 62?

16 A. This is a shot of the dryer with just some unfolded
17 clothes on top of it.

18 Q. Did you see any stains or anything on these clothes?

19 A. No, I did not.

20 Q. Did you consider them to have any evidentiary value?

21 A. No, I did not.

22 Q. State's Exhibit 63?

23 A. This was the inside of one of the hamper doors,
24 cabinet door.

25 Q. There appears to be some sort of mark on the inside

1 of the door. What did that appear to be?

2 A. Possibly feces.

3 Q. State's Exhibit 64?

4 A. This was a plate of chicken in the microwave.

5 Q. State's Exhibit 65?

6 A. We are back in the living room with the -- the photos
7 taken from, like, the front door.

8 Q. State's Exhibit 66?

9 A. Behind the love seat, between the love seat and the
10 patio door, hmm, there were, hmm -- trash bags and a couple of
11 duffle bags and some men's shoes.

12 Q. Did you go through these trash bags and that duffle
13 bag?

14 A. No, I did not.

15 Q. Why not?

16 A. Because it was my understanding that these belonged
17 to the suspect.

18 Q. And did you have a search warrant or any sort of
19 authority to go through his personal items at this time?

20 A. No, I did not.

21 Q. State's 67?

22 A. This is outside the patio door.

23 Q. State's Exhibit 68?

24 A. This would be the -- it's Rock Star, energy drink.

25 Q. State's 69?

1 A. That is a shot taken from the top of the balcony to
2 look out over the hedges, and it's very hard for the flash to
3 get that far.

4 Q. And what -- what are we seeing in sort of the center
5 of this flash on the grass?

6 A. What you're seeing is the Miller Lite -- not Miller
7 Lite, Bud Light -- Bud Light bottles.

8 Q. State's Exhibit No. 70?

9 A. This is from the -- from the street area looking up
10 at the patio, and so you have a -- this is the patio with the
11 no. 3 Rock Star energy drink can, right here.

12 It's not drawing.

13 Q. State's 71?

14 A. Now, this angle is still looking up at the patio but,
15 hmm -- okay, here -- here are our bottles, and at this part of
16 the shot you can't really see the apartment that they came
17 from.

18 Q. And just, I know it's a dark photograph, but I will
19 zoom in. Are we able to see the outline of the evidence
20 placards that you used?

21 A. Correct. You have one here, this is article no. 4,
22 then 5 and 6 are actually at the base of the shrubbery.

23 Q. So you have 4, and then I guess 5 and 6, real hard to
24 see, but in a different spot?

25 A. Correct.

1 Q. All right. State's Exhibit 72?

2 A. A close-up of no. 4.

3 Q. State's Exhibit No. 73?

4 A. A close-up of 5 and 6.

5 Q. 5 being the Bud Light, 6 being a bottle that says on
6 the label Steel Reserve?

7 A. Yes.

8 Q. State's Exhibit 74?

9 A. This shows no. 7 is -- it's going to be south of
10 the -- the 5 and 6 that we saw earlier. This is actually
11 closer up against the building.

12 Q. State's Exhibit 75?

13 A. It's a close-up of that Bud Light bottle.

14 Q. Why did you decide to collect these bottles that were
15 outside of the apartment on the grass?

16 A. Oh, well, because we had the empty Bud Light carton
17 inside, we thought that there was the possibility that these
18 bottles were thrown from that apartment.

19 MR. ASLETT: Your Honor, at this time I would like to
20 publish the crime scene video to the jury.

21 THE COURT: All right. For the record, that's
22 State's Exhibit 76?

23 MR. ASLETT: That's correct, your Honor.

24 (Video playing, no audio.)

25 Q. (By Mr. Aslett) Officer Langford, at the time that

1 you're taking this video had you already removed the clothing
2 from the washing machine?

3 A. Yes.

4 (Video playing.)

5 Q. Now, Officer Langford, you mentioned, looking at I
6 guess placarding a lot of evidence at that scene, I believe you
7 marked items 1 going all the way up through 9, correct?

8 A. Hmm -- to 10.

9 Q. To 10. Several -- several blankets, adult diapers in
10 the trash can, all the clothing in the washing machine, and
11 some bottles that you found outside the apartment, correct?

12 A. Yes, sir.

13 Q. Among others. How did you go about collecting this
14 evidence once you'd identified it in the photograph?

15 A. It was bagged in paper bags and then those were
16 placed in cardboard boxes and taken to the property room --
17 well, actually, prior to that, the wet items went to the drying
18 room.

19 Q. And why do you take the wet items to a drying room
20 first?

21 A. Well, because I don't want to package these items
22 when they are wet because they'll mildew.

23 MR. ASLETT: Your Honor, may I approach the witness?

24 THE COURT: You may.

25 MR. ASLETT: Actually, your Honor, I believe it would

1 be easier if the witness would be allowed to step down.

2 THE COURT: All right. Please step down. Please
3 keep your voice up for the court reporter and the jurors.

4 Q. (By Mr. Aslett) I'm going to show you some items that
5 have been previously marked as State's Exhibits 78, 79, 80, 81
6 and 82. I will just lay them out on the table here. If you
7 could tell the jury what these are.

8 A. These would be the bags that I placed the -- the
9 articles in, and I marked the individual article number in
10 magic marker on the top of the bag.

11 Q. And do we see your initials anywhere on these bags?

12 A. That would be that.

13 Q. The actual marking?

14 A. The actual marking, yes.

15 Q. So the no. 3 would be item no. 3 and so forth?

16 A. Correct.

17 Q. Okay.

18 A. These -- these were put there by the lab. Yes, the
19 letters were put there by me, but the small marking down here,
20 these were put here by the lab.

21 Q. And when you collect these items and put them in
22 paper bags, you seal them up with evidence tape?

23 A. Yes.

24 Q. And do these brown paper bags with evidence tape,
25 apart with the lab markings that we see in State's Exhibit 78,

1 79, 80, 81 and 82, which represent items no. 3, no. 4, no. 5,
2 no. 6 and no. 7 that you collected, do they appear to be in the
3 same or substantially similar conditions as when you collected
4 them on August 20th?

5 A. Yes, they are.

6 MR. ASLETT: Your Honor, at this time the State would
7 like to offer into evidence and publish to the jury State's
8 Exhibits 78 through 82 and their contents, which represent the
9 various bottles that were collected at the scene.

10 THE COURT: All right. Objection?

11 MR. HOCHGLAUBE: May I have just a moment, Judge?

12 THE COURT: Yes.

13 MR. HOCHGLAUBE: No objection.

14 THE COURT: State's 78, 79, 80, 81 and 82 will be
15 admitted without objection.

16 Q. (By Mr. Aslett) And if you could just stand right
17 here I'll go ahead and open each of these so we can see what's
18 inside.

19 Officer, opening up State's Exhibit 78, and again
20 remind us of what this is and where you found it?

21 A. This would be the can that was on top of the weight
22 bench.

23 Q. Opening up State's Exhibit No. 79.

24 A. One of the bottles on the downside of the patio.

25 Q. State's Exhibit No. 80?

1 A. This is another bottle that was on the downside of
2 the patio.

3 Q. State's Exhibit 81?

4 A. Is the Steel Reserve bottle under the patio.

5 Q. And I guess we're noticing this is -- a lot bigger
6 than the Bud Lights that you recovered?

7 A. Yes.

8 Q. Finally I'll open up State's Exhibit 82. What is
9 State's Exhibit No. 82?

10 A. Another Bud Light bottle from underneath the patio.

11 Q. You can have a seat.

12 A. (Complies.)

13 Q. Did you collect any DNA samples from the scene, or
14 attempt to?

15 A. Yes, I did.

16 Q. And what items did you attempt to collect DNA swabs
17 from?

18 A. Those bottles.

19 Q. And again, why did you see the need to do that?

20 A. Because we had, hmm -- there was the possibility that
21 those bottles came from that apartment, and we just wanted to
22 link those bottles to that apartment if that was possible.

23 Q. And if you could describe to the jury just generally
24 so we can be reminded of how you take a DNA sample in general.

25 A. We take the, hmm -- remember yesterday we were

1 talking about the glorified Q-Tips. It's just basically a
2 sterile cotton tip swab on a stick about this long and they're
3 in a -- they're packaged in pairs, like a Band-Aid, and just
4 like a Band-Aid package, it peels open. So I peel the end of
5 the package open, take it by the -- take the ends by the stick
6 ends, then I have a little pipette which is just -- it's a
7 pipette. It's something I can squeeze up a little bit of
8 distilled water in and I can throw that pipette away.

9 I squeeze up a little distilled water, drip a little
10 bit of the water onto the end of the cotton tip swab. Now, the
11 end of the pipette doesn't touch the swab. So I just drip the
12 water straight onto the swab, and then from there, I swab
13 the -- the surface that I want. After I swab that surface, I
14 take two swabs, put them back in the same packaging that I got
15 them from.

16 Q. And did you take swabs from each of the bottles that
17 we've just gone through here in front of the jury?

18 A. Yes, I did.

19 MR. ASLETT: Your Honor, permission to approach the
20 witness?

21 THE COURT: Certainly.

22 Q. (By Mr. Aslett) Officer Langford, I am now going to
23 show you what's been previously marked as State's Exhibits 83
24 through 87. If you can look at these and tell the jury what
25 these are.

1 A. No. 3 would be the DNA swabs that go -- that go with
2 article no. 3, and no. 4, 5, 6, and 7.

3 Q. Okay. And are these the envelopes containing the
4 same DNA swabs that you took of those bottles on August 20,
5 2010?

6 A. Yes.

7 MR. ASLETT: Your Honor, at this time State offers
8 into evidence State's Exhibits 83 through 87 and their
9 contents, tender to Defense counsel for inspection.

10 MR. HOCHGLAUBE: Judge, can we approach real quick?

11 THE COURT: You may.

12 (The following proceedings were had at the bench:)

13 MR. HOCHGLAUBE: I just want to make sure I'm not
14 waiving any objection. I think the Court gave me a running
15 objection yesterday to the DNA evidence, but we would raise the
16 same objection today.

17 THE COURT: Okay. But are you objecting to the
18 introduction of the swabs -- are you objecting to the swabs
19 that this witness said she gathered?

20 MR. HOCHGLAUBE: I'm not raising any additional
21 objections that I didn't raise during the hearing, only to the
22 extent that these swabs are part of the evidence.

23 THE COURT: The chain of evidence to get to the DNA.

24 MR. HOCHGLAUBE: Right. So, Judge, I just want to
25 make sure it's preserved.

1 THE COURT: I appreciate you want to preserve it.
2 I'm going to overrule the objection. I believe the foundation
3 has been laid.

4 (The following proceedings were had in open court:)

5 THE COURT: State's Exhibit No. 83, 84, 85, 86 and 87
6 are admitted.

7 MR. ASLETT: Permission to publish, your Honor.

8 THE COURT: You may.

9 Q. (By Mr. Aslett) And just as a sample, I'm not going
10 to open up all these, I'm just going to open up State's
11 Exhibit 83 so we can give the jury an idea of what one of these
12 swab kits look like. I guess you said that it was two Q-Tips
13 and a little package?

14 A. Yes, sir.

15 Q. And this what we're talking about basically?

16 A. Yes, sir.

17 Q. Now, did you take -- I noticed we saw a lot of
18 evidence that had blood and feces, what appeared to be blood
19 and feces on it, the blankets and so forth. Did you take
20 swabbings from any of those items?

21 A. I didn't, because I took the items.

22 Q. Okay. And who would be the one to take samples from,
23 or swabs from those larger items and analyze those?

24 A. The lab.

25 Q. So you took the clothes to the property room. Where

1 did you take the swabs, same place?

2 A. Yes, sir.

3 Q. Okay. After you had photographed the scene,
4 videotaped the scene, collected all this evidence, taken all
5 the swabs, what other involvement, if any, did you have at the
6 scene?

7 A. Well, I measured, I took approximate measurements for
8 the diagram map.

9 Q. And how long would you say you were on the scene
10 processing it from the time you arrived to the time you left?

11 A. Hours.

12 Q. One more thing, Officer.

13 MR. ASLETT: Your Honor, permission to approach the
14 witness?

15 THE COURT: Sure.

16 Q. (By Mr. Aslett) I want to revisit the clothing that
17 we mentioned. I'm going to show you what's been previously
18 marked as State's Exhibit No. 77. If you could, tell the jury
19 what this is?

20 A. I don't know. Okay. This would be the pair of gray
21 shorts that came out of the washing machine.

22 Q. Okay. And how were you able to know that without
23 looking at what's inside the box?

24 A. Well, this is not in my box, but it would have --
25 they took it out of the bag.

1 Q. Well, let me go through it this way, because I
2 understand -- so when evidence is processed and placed in
3 containers, and needs to be further tested, do those boxes then
4 go to the lab?

5 A. Yes, they do.

6 Q. And does the lab have to open them up?

7 A. Yes, they do.

8 Q. And does the lab put its own markings on them?

9 A. Yes, they do.

10 Q. And do they sometimes take them out of the containers
11 that you put them into?

12 A. Yes.

13 Q. After the lab's done doing that, does it then
14 typically put everything back where it is and reseal everything
15 up?

16 A. Yes.

17 Q. Okay. And looking on the label outside this box,
18 what -- does it indicate what the contents are?

19 A. Yes.

20 Q. What does it indicate?

21 A. Well, it indicates that the contents are the heather
22 gray pair of shorts and that these are the ones that I tagged
23 in the property room.

24 Q. And is this your name on the front?

25 A. Yes. And payroll number.

1 Q. I'm going to open up the box. And if you could tell
2 me if this item inside looks familiar to you?

3 A. Yes.

4 Q. Okay. And if you could tell us what it is.

5 A. It would be the -- it appears to be the heather gray
6 shorts.

7 Q. The same ones that we saw in the photograph and that
8 you collected at the scene?

9 A. Yes.

10 Q. Appear to be in the same or substantially similar
11 condition as when you collected it?

12 A. Well, they have marked on it, but yes.

13 Q. Apart from any cuttings and markings that might have
14 been done by the lab?

15 A. Yes.

16 Q. Okay.

17 MR. ASLETT: Your Honor, at this time State offers
18 into evidence State's Exhibit No. 77 and its contents, tenders
19 to Defense counsel for inspection.

20 MR. HOCHGLAUBE: I have no objection to this, Judge.

21 THE COURT: All right. State's Exhibit 77 is
22 admitted without objection.

23 MR. ASLETT: And permission to publish to the jury?

24 THE COURT: Certainly.

25 (Shows the exhibit to the jury.)

1 MR. ASLETT: Thank you, Officer Langford.

2 Pass the witness, your Honor.

3 THE COURT: All right. Ladies and gentlemen,
4 11:00 o'clock is when we typically take our morning break, so
5 we will take our break now. We will try to wrap up within
6 15 minutes, but we'll break at this time and we'll try to get
7 back to you just as quickly as we are able.

8 (Jury out.)

9 (Break.)

10 (Open court, defendant present.)

11 (Jury in.)

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

13 I believe we're on cross-examination.

14 MR. HOCHGLAUBE: Yes, ma'am. May I proceed?

15 THE COURT: You may.

16 CROSS-EXAMINATION

17 BY MR. HOCHGLAUBE:

18 Q. Officer, is it -- should I say Officer Langford?

19 A. Yes, sir.

20 Q. Just want to make sure I'm addressing you correctly.
21 Officer, we had a chance to talk for just a minute
22 during the break, right?

23 A. Yes, we did.

24 Q. And one of the things we were talking about was this
25 Steel Reserve bottle, right?

1 A. Yes, sir.

2 Q. And which is in the package marked as State's
3 Exhibit 81, right?

4 A. Yes, sir.

5 Q. Okay. And one of the things --

6 MR. HOCHGLAUBE: May I approach the witness, Judge?

7 THE COURT: You may.

8 Q. (By Mr. Hochglaube) One of the things we talked about
9 was that there were a couple of red spots inside the bottle,
10 right?

11 A. Correct.

12 Q. And --

13 (Shows the exhibit to the jury.)

14 Q. And to the untrained eye that looks like it could be
15 blood, right?

16 A. It looks like that.

17 Q. Okay. All right. And there's also some sort of
18 musty brownish, maybe it's mold, maybe it's mildew, that sort
19 of surrounds these areas, right?

20 A. Yes.

21 Q. Now, I want to show you what we've marked as
22 Defendant's Exhibit No. 1. Do you recognize that?

23 A. Yes.

24 Q. That's a photograph that you took that same night,
25 right?

1 A. Yes, it is.

2 Q. And it's a photograph of the exact same bottle?

3 A. Yes, it is.

4 Q. And looking along that same side of that bottle,
5 there's none of that indication of any of the sort of brown or
6 red or any of that mold that you'd find inside the bottle
7 today, right?

8 A. Correct.

9 Q. And it's basically been three years since you took
10 this photograph here --

11 A. Yes, sir.

12 Q. -- is that right?

13 MR. HOCHGLAUBE: Judge, I'd ask that Defendant's
14 Exhibit No. 1 be admitted into evidence.

15 MR. ASLETT: No objections, your Honor.

16 THE COURT: Defense 1 is admitted without objection.

17 Q. (By Mr. Hochglaube) All right. And basically this
18 line is the edge of the bottle where you would have expected to
19 see, or where today you see the brown musty stuff and the red
20 spots, right?

21 A. Yes.

22 Q. And looking again, you can just sort of tell the
23 difference. There's not any type of any dirtiness or any type
24 of markings inside the bottle, right?

25 A. Not that I observed.

1 Q. Okay. And you can't really observe it even really
2 looking at your photograph, right?

3 A. No, sir.

4 Q. Now, along those lines, when you're swabbing the
5 bottle, where on the bottle do you swab? I'll bring the bottle
6 to you.

7 A. I would swab on the outside of the bottle, and
8 because I'm in -- in essence looking for saliva, I'll swab on
9 the inside just where the mouth would go, but I did not swab
10 way deep in here.

11 Q. Right.

12 A. And had this been here then, and had I seen it then,
13 then I would have swabbed that.

14 Q. Right. Just to make sure it's not blood, right?

15 A. Correct.

16 Q. And so certainly if you'd seen any type of red
17 marking along the inside --

18 A. Exactly.

19 Q. -- you would have -- you would have checked for it,
20 right?

21 A. Yes.

22 Q. And you bring up the idea that you're testing this to
23 see whether there's saliva on the bottle, right?

24 A. Yes.

25 Q. And -- but if you saw blood, or you saw a red liquid

1 substance, then you wouldn't just be looking for saliva, you'd
2 be looking for blood too, right?

3 A. Correct.

4 Q. And you make no notations in your report about seeing
5 any blood on any of those bottles, right?

6 A. No.

7 Q. And so the swabs that you get, they're specifically
8 with the idea of doing the swabbing specifically to get saliva,
9 correct?

10 A. Yes.

11 Q. And not blood?

12 A. It would show up if it was there, I mean, the DNA
13 would show up, but I didn't see it with the visual eye, so I
14 merely swab it assuming I'm going to get saliva.

15 Q. Okay. Do you do any swabbing on the Rock Star drink?

16 A. Hmm, I don't recall. I don't think, because that was
17 no. 3, was it not?

18 Q. It is no. 3, yes, ma'am, State's Exhibit 78.

19 A. Right. I don't believe we swabbed no. 3. That's
20 not -- is -- if we go back and look at our numbers and our
21 swabs, were they not from -- let's see. Well, I'd have to go
22 back and look in our -- did we swab it?

23 Q. If you don't know don't say you know or don't,
24 just -- I'm showing you what's marked as State's Exhibit
25 No. 79. This is one of the Bud Light bottles, right?

1 A. Yes.

2 Q. And on the diagram it's marked as -- or it's marked
3 as no. 4. So basically it's the bottle that's sort of most out
4 into the grass on the scene, right?

5 A. Yes.

6 Q. All right. And again, when you're looking at this
7 bottle, you're not trying to find any blood because it's no
8 obvious indications of blood, right?

9 A. Correct.

10 (Shows the exhibit to the jury.)

11 Q. And again, what you're looking for when you swab this
12 is some indication of saliva, right?

13 A. Correct.

14 Q. Now, one of the other things we were talking about
15 during the break was whether or not there might have been blood
16 on this at one point and it had been washed off, right?

17 A. Possibly.

18 Q. All right. And were you there, did you actually see
19 Mr. Wood at the scene?

20 A. I saw him in the patrol car.

21 Q. All right. And so -- and you saw him sort of acting
22 a little bit irrationally, right?

23 A. He was very aggressive, yes.

24 Q. Okay. And one of the things that we were talking
25 about during the break is that his behavior, sort of

1 inconsistent with the idea of hiding or concealing evidence,
2 right?

3 A. At the time I saw him.

4 Q. Right. I mean, I'm not trying to put words in your
5 mouth. You brought this up to me, right?

6 A. Right. I did not -- I did not --

7 Q. Now, I'm going to show you again State's Exhibit
8 No. 8 -- 80 rather, which is the bottle marked as no. 5.

9 A. Yes.

10 Q. Again, you swabbed this looking for some sort of DNA,
11 but really saliva, correct?

12 A. Yes, or touch DNA.

13 Q. Right. And you never -- you never suspected that
14 there was blood on this?

15 A. I did not.

16 Q. Okay.

17 (Shows the exhibit to the jury.)

18 Q. Now, this is a cap on it, unlike the last beer
19 bottle, but it's empty; is that right?

20 A. Yes.

21 Q. Did -- do you know how it got emptied, or was it
22 found emptied?

23 A. It was found emptied.

24 Q. But still with the bottle cap on?

25 A. Yes.

1 Q. All right. And when you swab no. 5, which again it's
2 not quite as far out into the grass as no. 4, it's actually
3 found kind of almost under the bushes right there; is that
4 right?

5 A. Yes.

6 Q. You swab along the cap, along the outside?

7 A. Yes, I did.

8 Q. Right. Checking to see if there's any type of DNA
9 that you might find anywhere, right?

10 A. Yes.

11 Q. Specifically looking for saliva?

12 A. Yes.

13 Q. Is that correct?

14 All right. And lastly we have item no. 7, which is
15 almost right next to the building, right?

16 A. Yes.

17 Q. It's the bottle, of the four bottles, found closest
18 to the wall itself, right?

19 A. Yes.

20 Q. Okay. And again, you swabbed this thinking you might
21 find some saliva somewhere, right?

22 A. Yes.

23 Q. But not thinking that you're going to find any blood,
24 right?

25 A. Correct.

1 (Shows the exhibit to the jury.)

2 Q. And this is going to sound like a stupid question,
3 but the reason why you're thinking you might find saliva is
4 because people drink from bottles, right?

5 A. Yes.

6 Q. And they leave their saliva on the tip of the bottle
7 from putting their mouth on the bottle, right?

8 A. Yes.

9 Q. All right. Now, I want to talk about the shorts for
10 a minute. The shorts are found inside the washing machine,
11 correct?

12 A. Correct.

13 Q. And they're found inside the washing machine with
14 other items that are basically covered in blood and feces,
15 right?

16 A. Yes.

17 Q. Now, the -- now, you see a lot of blue markings on
18 here, right?

19 A. Yes, sir.

20 Q. And you see some other smaller stains, right?

21 A. Yes, sir.

22 Q. And down here, correct?

23 A. Yes.

24 Q. Hmm, correct me if I'm wrong, though, when -- when
25 you found these, they appeared to be dry. They weren't wet

1 already, were they?

2 A. Hmm, they were not soaking wet, no.

3 Q. Okay. So it did not appear as though anybody had
4 tried to rinse them or clean them?

5 A. No, sir.

6 Q. Or tried to get some sort of evidence off of them,
7 right?

8 A. Correct.

9 Q. And I bring that up because the other items that
10 you -- that were found in that washing machine, like the capri
11 pants, for instance, right, they have -- they have basically
12 feces, or poop, I mean, almost massively spread on the leg,
13 right?

14 A. Yes, they do.

15 Q. And the shirt that, the white shirt that was
16 apparently from the complainant, that's also covered in both
17 blood and feces, right?

18 A. Yes, sir.

19 Q. And there's a big difference between sort of the
20 quantities of biological matter that's found on those two items
21 as opposed to what's found on the shorts?

22 A. Yes.

23 Q. Okay. But the shorts are sort of mixed in that
24 washing machine with these other items that have all this
25 biological matter, right?

1 A. Yes.

2 Q. Now, you're aware that biological matter like DNA can
3 be transferred on contact, right?

4 A. Yes.

5 Q. So if -- if there was blood that was found on those
6 shorts right there, right, I mean, one of the problems with
7 blood and with the sort of examining a scene is that you can't
8 tell when evidence got to wherever it was, right?

9 A. Correct.

10 Q. And so I guess what I'm trying to get at is that any
11 type of stains, any type of DNA that might have been left on
12 those shorts, right, it could have been left prior to all these
13 garments getting in the washing machine or it could have been
14 caused by the washing machine itself?

15 A. Not by the machine, but yes, with the other garments.

16 Q. Right, but it's not -- because the machine never got
17 turned on, right?

18 A. Correct.

19 Q. But it's by placing the garments so closely together
20 inside the machine?

21 A. Yes.

22 Q. You can get any -- any of this transfer might have
23 gotten there, right?

24 A. Yes, sir.

25 Q. Okay. Now, one of the things -- one of the points,

1 you said you were out there for hours; is that right?

2 A. Yes, sir.

3 Q. And that's sort of what is -- is critical here, is
4 that you take your job very seriously, of course?

5 A. Yes, sir.

6 Q. And you do everything you can to gather all of the
7 evidence that you think even might be relevant, right?

8 A. Yes.

9 Q. I mean, if there's some question in your mind as to
10 whether it has any meaning to the case, you document it and you
11 try to keep it, right?

12 A. Correct.

13 Q. Because you know if a year from now stuff turns out
14 to be meaningless, well, that's no big deal, but if it turns
15 out to be meaningful you want to make sure that you kept it,
16 right?

17 A. Yes, sir.

18 Q. And so, as you say, you spent hours going through
19 this scene and methodically detailing where everything was that
20 was potentially applicable to this case, right?

21 A. Yes, sir.

22 Q. Now -- now, we talk about this patio here, right, and
23 sort of to go along with this point and the thoroughness of
24 your investigation, when you see -- are you the first one to
25 see these bottles or does another officer notify you?

1 A. I think our homicide investigator noticed 'em first.

2 Q. Okay. So but you take note of these, I mean, in
3 part, and you see the importance of them in part because you're
4 trained as an investigator and as a crime scene unit, right?

5 A. Yes, sir.

6 Q. I mean, to the normal person that walks into this
7 apartment, they might not think that bottles outside in the
8 yard are really meaningful, right?

9 A. Yes, sir.

10 Q. But you, from your training and experience, realize
11 that it has the potential to be meaningful, right?

12 A. Yes, sir.

13 Q. Okay. And this patio right here, as you'll recall,
14 is right adjacent to another patio right here; is that right?

15 A. Yes, sir.

16 Q. And this patio right here, and I'm pointing right now
17 at State's Exhibit No. 11, it's basically the patio of the
18 apartment that runs right next to the apartment that you did
19 your scene investigation on?

20 A. Yes, sir.

21 Q. Okay. And so people -- basically, I mean, it would
22 almost be, like, a mirror image. You were in this apartment
23 right here. You could walk out onto this patio right here,
24 right?

25 A. Yes, sir.

1 Q. And in theory you don't really know whether the
2 person from his patio threw those bottles over there or whether
3 the person from this patio threw those bottles over there,
4 right?

5 A. Correct.

6 Q. Or how those bottles got there, because the problem
7 is you just find the evidence the way it is and you don't know
8 when it gets there, right?

9 A. Correct.

10 Q. Now, did you notice any illegal narcotics on this
11 patio right next door?

12 A. I did not notice.

13 Q. Okay. But to be sure, you probably weren't
14 scrutinizing that patio as much as you might have been
15 scrutinizing the inside of this apartment, right?

16 A. Yes.

17 Q. So if there was, say, marijuana out there or there
18 was some other type of drugs out on this patio, you might not
19 have noticed?

20 A. Correct.

21 Q. All right. The -- and that's not to diminish the
22 sort of integrity of your investigation. You did a thorough
23 investigation, right?

24 A. Thank you.

25 Q. I'm asking you in your opinion.

1 A. Yes, sir.

2 Q. All right. Now --

3 MR. HOCHGLAUBE: Where are the photos?

4 (Mr. Aslett indicates.)

5 Q. Now, I don't want to go through every single one of
6 the photos, but I do want to talk about a few. And this is
7 State's Exhibit No. 13, correct?

8 A. Yes, sir.

9 Q. Okay. And basically this is the inside of the
10 apartment looking at the sofa, right?

11 A. Correct.

12 Q. And ultimately you find -- you see one drop of blood
13 right about there on that walker, right?

14 A. Yes, sir.

15 Q. More or less it's not exactly on the very outside of
16 the walker, but in terms of where that walker is situated, it's
17 on the part of the walker closest to where the rest of the
18 blood and feces in the apartment is found, right?

19 A. Yes, sir.

20 Q. Again, we don't know how that drop of blood got
21 there, right?

22 A. No, sir.

23 Q. But we do know that there was a dying old woman that
24 was very bloody inside that apartment at one point, right?

25 A. Yes, sir.

1 Q. And we do know that she received medical treatment,
2 right?

3 A. Yes, sir.

4 Q. Inside that apartment, right?

5 A. Yes, sir.

6 Q. And we do know that she received that from more than
7 one person, right?

8 A. Yes, sir.

9 Q. I mean, there were several EMTs that were there,
10 right?

11 A. Yes.

12 Q. And the defendant and his granddaughter had been
13 there, right?

14 A. I don't know about his granddaughter.

15 Q. Okay. But the point is, is that we can't say how
16 that got there, but it could just as easily have gotten there
17 by somebody that had a bloody hand from treating her that moved
18 their hand in a certain direction and a drop of blood landed on
19 that walker, right?

20 A. It's possible.

21 Q. And we have no indication that there's any blood on
22 the handles, right?

23 A. No, sir.

24 Q. So it's not like we're thinking that somebody -- or
25 the complainant was injured and was still moving around using

1 her walker or had placed her hand on it in any way, right?

2 A. No, sir.

3 Q. Okay. Now, I want to show you what's marked as
4 State's Exhibit No. 17, which you have marked down as no. 9.
5 And basically what we're looking at here is a very close-up
6 image, they're as close as I can make it, of this sofa right
7 here, right?

8 A. Yes, sir.

9 Q. And I think you testified that that was blood that
10 you saw on that spot; is that right?

11 A. It appeared to be.

12 Q. Is it -- could you tell whether or not it was blood
13 or feces?

14 A. It appeared to be blood.

15 Q. Okay. Are you saying that it was not feces?

16 A. No. There may have been feces in other spots on
17 that.

18 Q. Okay. But the spot that we're looking at right
19 there, is it your testimony that that was not feces?

20 A. That appears to be blood.

21 Q. Okay. And so, I don't want to beat this horse, but
22 you're just not sure whether or not it might have been feces
23 too; is that right?

24 A. I did not test it at the scene.

25 Q. Okay. And on the carpet, you note that there is both

1 blood and feces; is that right?

2 A. Yes, sir.

3 Q. Now, I'm showing you what's been marked as State's
4 Exhibit No. 19. Can you -- do you know how to point at your
5 television and make a dot appear?

6 A. Yes, sir.

7 Q. Okay. Can you point to the items you believe to be
8 feces.

9 A. (Complies.) This. And it's not -- it's -- yeah,
10 it's not turning green.

11 MR. HOCHGLAUBE: May I have the witness stand down?

12 THE COURT: Certainly.

13 A. (Complies.)

14 Q. (By Mr. Hochglaube) We'll do this the old-fashioned
15 way. State's Exhibit No. 19, can you show the jury basically
16 so that everybody can see, it's a little bit hard there, maybe
17 point to what you believe to be the feces.

18 A. I believe to be these -- I believe these large brown
19 areas to be feces, here and here.

20 Q. All right. And the rest you believe to be blood?

21 A. Yes.

22 (Shows the exhibit to the jury.)

23 A. Or some of these are simply stained or feces, things
24 up here.

25 Q. Okay. So as I'm showing this part right here, and

1 this part and this part, I'm going to put my three fingers on
2 the photo, these are the spots that you believe are feces?

3 A. That's what they appear to be.

4 Q. Right.

5 (Shows the exhibit to the jury.)

6 Q. Right. And when you're at the scene you don't have a
7 chance to examine the biological matter to see exactly what it
8 is, right?

9 A. Well, I suppose we can take up a whole piece of
10 carpet.

11 Q. Sure. Later on you could submit it to the lab for
12 testing.

13 A. Correct.

14 Q. But your job while you're there is not to determine
15 decisively this is feces and that's blood, right?

16 A. Correct.

17 Q. You can have a seat. Thanks.

18 A. (Complies.)

19 Q. And so again, just so we're clear, where I'm pointing
20 with my finger right now on State's Exhibit No. 19, the sort of
21 five little clusters of brown spots by the sofa, and those
22 clusters there you believe are feces, right?

23 A. It appears to be.

24 Q. And this larger brown spot further away from the
25 sofa, closer to the television up here, appeared to be feces,

1 to you, correct?

2 A. It appeared to be.

3 Q. And lastly, this spot right here, which is closest to
4 the actual sticker on the exhibit, State's Exhibit No. 19,
5 again, that is what appeared to you to be feces, right?

6 A. Yes.

7 Q. But these other spots right around here, these -- and
8 there's sort of several of them mixed around, these appear to
9 you to be blood, right?

10 A. Some of them, yes.

11 Q. All right. And did -- did you actually see the
12 complainant in the apartment that night?

13 A. I saw the complainant in the hospital.

14 Q. Okay. Did -- did you know where the complainant was
15 lying when she was being treated?

16 A. No, I don't know.

17 Q. Other than the bottles that you found outside in the
18 grass, did you find any other bottles inside of the apartment?

19 A. Yes, I did.

20 Q. Where were those?

21 A. They were in the kitchen.

22 Q. Okay. And did you keep those also?

23 A. No.

24 Q. Did you notice any type of mark, any type of blood
25 or --

1 A. I did not notice any.

2 Q. Okay. And why is it that you chose not to keep them?

3 A. Well, we were initially taking the bottles from the
4 outside because, hmm, they -- they wanted to show a -- that
5 these bottles from outside came from inside the apartment just
6 to show a pattern of drinking.

7 Q. Uh-huh. But the -- but the bottles on the inside?

8 A. The bottles of the inside were noted and was assumed
9 that that came from inside the apartment.

10 Q. Okay. And so you did not do any testing on those
11 bottles?

12 A. No.

13 Q. And you did not keep those bottles for any type of
14 testing?

15 A. No.

16 Q. But certainly if you had seen blood on those bottles?

17 A. Oh, yes.

18 Q. You would have kept them, right?

19 A. Yes, sir.

20 Q. And you looked at those bottles in the light of that
21 apartment to see whether there was any likelihood of any
22 biological material being on there, right?

23 A. Correct.

24 Q. Now, you talked about the bloodstains in the
25 bathroom, and you said that the blood on the bathroom floor

1 appeared to be watered down; is that right?

2 A. Many of those droplets did.

3 Q. And I'm going to show you here what's marked as
4 State's Exhibit No. 29. And basically, you can sort of see the
5 difference between what would be unwatered down blood droplet
6 there, what I'm pointing to, right?

7 A. Yes, sir.

8 Q. And a watered down droplet, right?

9 A. Correct.

10 Q. And what that's consistent with is a person who is
11 both dripping blood and water at the same time, right?

12 A. Possibly.

13 Q. I mean, it could be that blood dropped first and then
14 water dropped first and diluted it, but it also could be that
15 the person had blood and water on them and that's what fell to
16 the ground, right?

17 A. Correct.

18 Q. And that's the most likely thing, right?

19 A. Correct.

20 Q. Is that the two substances were already mixed before
21 they fell to the ground, right?

22 A. Yes, sir.

23 Q. And that makes sense here, especially because you can
24 see a lot of watered down blood, all over here, right?

25 A. Yes.

1 Q. And that's what you were talking about when you said
2 the blood on the floor, a lot of it was watered down, right?

3 A. Yes, sir.

4 Q. And so, for example, if the complainant had been
5 carried while -- after -- after she sustained her injuries,
6 after she were bloody, right, if she'd been carried from the
7 shower with the shower running, right, she might have been
8 dripping watered down blood as she was carried out of the
9 bathroom to the living room, right?

10 A. Yes, sir.

11 Q. But there is this blood right here, right? And can
12 you tell by the way that blood drop hit what direction it fell
13 from or what direction it was coming from?

14 A. It looks like this is just angled slightly off of 90
15 degrees.

16 Q. What does that mean, to you?

17 A. From above.

18 Q. The blood drop fell from above?

19 A. Yes, sir.

20 Q. Okay. Can you tell whether the object that it fell
21 from was moving in any particular direction based on that
22 pattern?

23 A. It's hard from this particular photograph, but this
24 part right here is pretty consistent of a straight above.

25 Q. Okay. Now, importantly, you did not locate any fecal

1 matter, no feces, no poop in the bathroom, right?

2 A. I did not.

3 Q. And the only biological material you found in the
4 bathroom was blood, right?

5 A. Yes, sir.

6 Q. Now, I'm going to show you what's marked as State's
7 Exhibit No. 41. This is the light switch right there, all
8 right. And basically, what that looks like is that somebody
9 with a bloody hand was turning on and off the lights in there,
10 right?

11 A. Yes, sir.

12 Q. But again, we don't know who, right?

13 A. Correct.

14 Q. Did anybody try to locate any fingerprints in there?

15 A. No, sir.

16 Q. Is there a reason why not?

17 A. Hmm, part because the people, hmm -- lived there.

18 Q. Okay. So you didn't feel like there was any
19 evidentiary value in figuring out who left that print there,
20 right?

21 A. Well, I could have taken a fingerprint dusting for a
22 fingerprint of this. I could have swabbed this for DNA.

23 Q. Right. But, I mean, you can -- well, correct me if
24 I'm wrong, somebody leaves, like, a print in a sort of puddle
25 of blood, I mean, that can be -- you can discern certain

1 patterns and ridges in the fingerprint, right?

2 A. Right. But on that particular photo I saw no -- I
3 mean, on that particular light switch I saw no ridge patterns
4 to a fingerprint in that blood.

5 Q. I see. So the reason why you didn't do fingerprints
6 is because you looked at it and you didn't think that prints
7 could be told from it; is that right?

8 A. Yeah, I didn't feel it was a good spot for
9 fingerprints.

10 Q. Okay. And, again, we don't know who left those
11 prints there, right?

12 A. Correct.

13 Q. It could have been the doctor, for instance, that had
14 blood on his hands from treating the patient and went into the
15 bathroom?

16 A. Correct.

17 Q. It could have been Mr. Wood, right?

18 A. Correct.

19 Q. It could have been anyone else in there that happened
20 to have blood on their hands from dealing with Ms. Wood?

21 A. Correct.

22 Q. Right?

23 Now, on the pantry door, you said that -- I'm going
24 to show you what's marked as State's Exhibit No. 63. You said
25 you thought that might be feces; is that right?

1 A. Possibly.

2 Q. Possibly. But it might be something else?

3 A. It did not appear to be blood.

4 Q. All right. Might it be something that was neither
5 blood or feces?

6 A. Correct.

7 Q. Like a marking that had been there for months?

8 A. Possibly.

9 Q. Okay. I mean, I can't tell from this picture, maybe
10 you can, but the -- how much texture there was to this, or how
11 far out it was sticking. Was it -- do you recall it?

12 A. I don't recall it.

13 Q. Okay. Now, you talked about the defendant's clothes,
14 and I'm going to start with State's Exhibit No. 65 here.
15 Basically the defendant's clothes are all in back of this love
16 seat towards the patio door, right?

17 A. Yes, sir.

18 Q. And I'm going to show you State's Exhibit No. 66.
19 This is a photograph of the defendant's belongings from behind
20 that love seat, right?

21 A. Yes, sir.

22 Q. And just looking at them, did you notice any signs of
23 blood or --

24 A. No, sir.

25 Q. Or any type of biological matter there?

1 A. No, sir.

2 Q. Is there any indication that anything was in disarray
3 or out of order?

4 A. No, sir.

5 Q. Now, you said when you were talking to the prosecutor
6 that the reason why you didn't go through those items is
7 because you didn't have a search warrant, right?

8 A. Correct.

9 Q. But you're also aware, based on the way you did the
10 search of the apartment, that if you get consent to search
11 something that you can also search even if you don't have a
12 warrant, right?

13 A. Correct.

14 Q. Do you know whether anybody asked Mr. Wood if they
15 could search his belongings?

16 A. I don't know if they asked him.

17 Q. Okay. The -- I'm going to show you now State's
18 Exhibit No. 70, and this is just a photograph from the outside.
19 And the light, the lighted area right here, these are the patio
20 doors to the apartment from the outside, right?

21 A. Yes, sir.

22 Q. All right. And you can see this black gate that sort
23 of fences in the patio area, right?

24 A. Yes, sir.

25 Q. Now, it's a little bit difficult to see but you can

1 see it if you look closely. There's the gate that divides the
2 two patios right behind, sort of extending off at the wall.
3 Can you see that in the photo?

4 A. I can't, but I saw it in one of the other photos.

5 Q. All right. But just to give the jury an idea, the
6 height of that fence and the nature of that fence in terms of
7 where the posts are and the coloring and all that, it's
8 basically the same, right?

9 A. Yes.

10 Q. It's not a particularly high fence, right?

11 A. Yes, sir.

12 Q. And it's -- you can see through it and jump over it
13 as freely as any fence you could, you ever could, right?

14 A. Yes, sir.

15 Q. Okay. Would -- you said that you were able to see
16 the defendant sort of acting pretty foolish inside the patrol
17 car that night, right?

18 A. Yes, sir.

19 Q. Would it be safe to say that the assumption in your
20 mind as you were going and investigating this scene was that he
21 had been responsible for the complainant's death?

22 A. Say that again.

23 Q. Well, I mean, you're certainly aware that if you
24 start with the idea that you're going to get to this one place,
25 right, in your mind, that when you're doing an investigation,

1 right, it sort of creates a tunnel vision or an effect on the
2 quality of your work, right?

3 A. Well, at the time when I arrived, because of his
4 aggressive behavior towards responders, that was why he was in
5 the back of the car.

6 Q. Right. But I'm asking you during your investigation,
7 if you already kind of had the feeling or the hunch or maybe
8 assumption that he had been responsible for -- for the problems
9 inside that apartment?

10 A. I did believe that.

11 MR. HOCHGLAUBE: I pass the witness.

12 THE COURT: Redirect?

13 MR. ASLETT: Briefly, your Honor.

14 REDIRECT EXAMINATION

15 BY MR. ASLETT:

16 Q. Officer Langford, I just want to go over a couple of
17 topics so we can clarify things for the jury. Did you change
18 the way that you processed this scene based on a suspicion that
19 the aggressive person in the back of the patrol car might be
20 responsible, did you do anything differently?

21 A. No, sir.

22 Q. Let's talk about, there's been some reference about
23 fingerprint collection, fingerprints. What efforts, if any,
24 did you make to collect fingerprints at the scene?

25 A. We didn't at that point.

1 Q. Okay. And that's because possible suspects, all the
2 people have lived in this apartment, correct?

3 A. Correct.

4 Q. And you didn't get -- did you get any indication from
5 the homicide detectives that there were any people who were
6 possible suspects who did not live in the apartment?

7 A. Correct.

8 Q. So you'd expect the fingerprints to be all over the
9 place because the people were living there?

10 A. Yes, sir.

11 Q. Okay. We've talked a little bit about swabs.

12 MR. ASLETT: Your Honor, may I approach?

13 THE COURT: You may.

14 Q. (By Mr. Aslett) I think you may have misspoke earlier
15 and I wanted to clear this up. I'm going to show you what has
16 already been entered into evidence, State's Exhibits 83
17 through --

18 A. Okay. I did take no. 3.

19 Q. Okay. So 83 we see it's labeled no. 3 DNA swab,
20 correct?

21 A. Yes.

22 Q. And no. 3 is the Rock Star energy can?

23 A. Correct.

24 Q. So did you then swab --

25 A. Yes.

1 Q. So all bottles outside the apartment were swabbed?

2 A. Yes, sir.

3 Q. Okay. There is some talk about, or I should say
4 speculation about blood droplets. Since we talked about that
5 on cross I want to show you some photographs. Now, during your
6 time training in the CSU did you learn about blood spatter?

7 A. Yes, sir.

8 Q. Okay. I'm going to show you some photographs that
9 were taken in the bathroom of the blood droplets. Specifically
10 State's Exhibit 36, would it be a fair characterization to say
11 that there were blood droplets in all sorts of places in this
12 photograph?

13 A. Yes, sir.

14 Q. And these blood droplets, fair to say, continue all
15 the way up the wall, some even appearing on the ceiling?

16 A. Yes, sir.

17 Q. What does that tell you?

18 A. That tells me that the blood was thrown onto the
19 ceiling pretty high.

20 Q. Okay. I -- let's assume that the -- that Flora Ryan
21 is laying in the tub for some time as water is falling on her.
22 Would you expect some splashing from her bleeding out in the
23 tub to be transferred on the walls simply from the shower being
24 running?

25 A. Some at a lower level.

1 Q. Okay.

2 A. But --

3 Q. Would you expect the blood spatter patterns that we
4 see here simply from a body resting in the tub and a showerhead
5 naturally throwing up blood?

6 A. No, sir.

7 Q. Okay. So then what does this indicate, to you, about
8 how this blood came to be on the sides of the walls and the
9 ceiling?

10 A. It could be cast-off, or impact spatter, but if she
11 is lying in the tub, the water hitting her is not going to go
12 up that high.

13 Q. So it's possible the blood got up there because we
14 have somebody striking the victim?

15 A. Possibly.

16 Q. And perhaps blood getting thrown up as the victim was
17 being struck?

18 A. Possibly.

19 Q. Could it be possible that the victim was being held
20 up as they're being struck, right, possible?

21 A. Possible.

22 Q. But pretty safe to say that this is not caused simply
23 by the victim laying down in the tub and water just naturally
24 hitting her body?

25 A. I don't believe so.

1 Q. Okay. And we've talked about the defendant's
2 behavior while he was in the patrol car as being aggressive.
3 Could you be a little bit more specific about how he was acting
4 as you saw him in the patrol car?

5 A. He was screaming and kicking and striking, and the
6 whole car was shaking.

7 Q. Could you make out anything that he was saying?

8 A. I don't recall the exact words.

9 Q. Did you come in contact with any other people that
10 you knew were possible witnesses on the scene later, like Julie
11 Ostlund or Mary Ostlund?

12 A. I don't recall seeing the mother at all, and I think
13 I may have seen the daughter just in passing. I don't recall
14 really talking with her.

15 Q. But you didn't speak with her?

16 A. I don't think so.

17 Q. Do you recall her acting aggressively?

18 A. No.

19 Q. Anyone else acting aggressively at the scene?

20 A. No.

21 Q. Now, at any point were you given information that
22 would have caused you to -- let me ask it a different way. At
23 any point were you asked to expand your investigation beyond
24 just that apartment?

25 A. No.

1 Q. Never asked to look in the other apartment or patio
2 or anything like that?

3 A. Just the outside where we found those beer bottles.

4 Q. And from your observations on the patio, did you
5 think that anything -- I mean, I assume you must have glanced
6 at the patio next door, right?

7 A. Yes.

8 Q. Did you see anything of evidentiary significance or
9 anything that stuck out in your mind having to do with the
10 apartment next door?

11 A. No, sir.

12 Q. Thank you, Officer Langford.

13 MR. ASLETT: Pass the witness.

14 THE COURT: Additional cross-examination?

15 MR. HOCHGLAUBE: Just very briefly.

16 RE-CROSS-EXAMINATION

17 BY MR. HOCHGLAUBE:

18 Q. Officer, you were talking about how there's a
19 significant amount of spatter that goes very high in this
20 showerhead, right?

21 A. Yes, sir.

22 Q. I mean, it looks like a big mess in that shower,
23 right?

24 A. Yes, sir.

25 Q. And it looked like a big mess on the sort of floor in

1 the bathroom, right?

2 A. Yes, sir.

3 Q. And those -- that sort of spread of blood, I mean, it
4 indicates something, that basically particles of blood are
5 flying all over the place in there, right?

6 A. Yes, sir.

7 Q. Okay. And when you looked at the complainant's shirt
8 in the washing machine, all right, that also looked like it was
9 sort of covered in blood and feces and stuff, right?

10 A. Yes, sir.

11 Q. All right. But the gray shorts do not, do they?

12 A. No, sir.

13 Q. Now, you looked at the other bathroom in this home,
14 right?

15 A. Yes, sir.

16 Q. All right. Because you were thorough about looking
17 in both bedrooms and in looking in the other bathroom. We saw
18 the other bathroom on your video, right?

19 A. Yes, sir.

20 Q. And you were thorough in sort of isolating these
21 areas as being, I guess, not pertinent to your investigation,
22 there really wasn't a lot of evidence to be found in this
23 bedroom, right?

24 A. Yes, sir.

25 Q. And there wasn't really any evidence to be found in

1 this bedroom, right?

2 A. Yes, sir.

3 Q. Or in this bathroom, right?

4 A. Yes, sir.

5 MR. HOCHGLAUBE: I'll pass the witness.

6 THE COURT: Anything further?

7 MR. ASLETT: Nothing further from the State, your
8 Honor.

9 THE COURT: May this witness be excused?

10 MR. HOCHGLAUBE: Subject to recall, but yes.

11 THE COURT: Thank you for coming in.

12 Call your next.

13 MR. ASLETT: The State calls Officer Pena, your
14 Honor.

15 May I proceed, your Honor?

16 THE COURT: You may.

17 OFFICER J. PENA,
18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. ASLETT:

21 Q. Good afternoon, sir. Would you please tell the jury
22 your name.

23 A. Jose Pena.

24 Q. And what do you do for a living, Mr. Pena?

25 A. I am a police officer with the Houston Police