

1 You may.

2 MS. BARNETT: Thank you.

3 **MICHAEL LOMBARDO,**

4 having been first duly sworn, testified as follows:

5 **DIRECT EXAMINATION**

6 BY MS. BARNETT:

7 Q. Would you state your name for the record,
8 sir?

9 A. Officer Michael Lombardo.

10 Q. And how are you employed, sir?

11 A. With the City of Houston HPD.

12 Q. How long have you been with HPD?

13 A. This January will be 20 years.

14 Q. Where are you assigned?

15 A. The Westside divisional tack Unit.

16 Q. Do you work with Sergeant Richards, Chaffin
17 and Abel?

18 A. Yes, ma'am.

19 Q. What's your part in that group?

20 A. At the time of this report I was on marked
21 unit in a uniform.

22 Q. What did you do -- let me take you back to
23 that day, October 12th, 2011. What did you do on
24 that day?

25 A. Far as I recall a disturbance was observed.

1 MR. JONES: Your Honor, I'm going to
2 object to this answer not being responsive.

3 THE COURT: Answer the question.

4 Q. (BY MS. BARNETT) Well, let me get
5 specifically to this. Did you have a particular role
6 in the property that was found in the vehicle?

7 A. Yes, ma'am. I recovered the property and I
8 tagged it in. I brought it to our office where we
9 did follow up on the property and it was -- we
10 recovered some of the property that was taken in a
11 burglary out in Harris County and we contacted that
12 complainant and we brought that property to the
13 Harris County officer who was investigating the B&T,
14 he or she, I can't remember who it was and returned
15 that property to the complainant.

16 Q. I want to go through the property that you
17 tagged.

18 A. Sure.

19 MS. BARNETT: Your Honor, may I
20 approach the diagram or chart?

21 THE COURT: You may.

22 Q. (BY MS. BARNETT) Let's go through it. How
23 many articles were there?

24 A. We grouped several of them together so we
25 had like two laptops --

1 Q. I'll start writing this down. All I want
2 to talk about is only the property that was tagged in
3 the maroon Impala from October 12th, 2011, okay?

4 A. Yes. Everything that came out of that car
5 is here.

6 Q. Two laptops?

7 A. Two laptops, yes, ma'am.

8 Q. Okay.

9 A. We had a mouse, a wireless mouse, a GPS.

10 Q. Hold on.

11 A. Sorry.

12 Q. Okay.

13 A. External hard drive, a DVD video camera.
14 Sony Playstation, three -- it's a Cannon battery
15 charger. Five cell phones.

16 Q. Do you have in particular the type of
17 phones?

18 A. Yes, ma'am. Samsung, Nokia, BlackBerry, T
19 Mobile phone, and an iPhone. We had an iPod Shuffle,
20 iTouch, two of those. We had jewelry.

21 Q. What kind of jewelry?

22 A. We had a watch, a Fossil wristwatch.

23 Q. Okay.

24 A. Two diamond looking hair pins.

25 Q. Hold on a minute.

1 A. Two diamond hair pins, a silver ring, one
2 diamond earring.

3 Q. Just one?

4 A. Yeah. One. One of a set, sorry.
5 Necklace. We had clothing, a black knit hat with a
6 New Orleans football logo. An orange hat with the
7 Dynamo logo.

8 Q. Go ahead.

9 A. Two brown knit gloves and one black glove.

10 MS. BARNETT: May I have a moment,
11 Judge?

12 THE COURT: You may.

13 Q. (BY MS. BARNETT) Okay. Two brown knit
14 gloves.

15 A. And one black glove.

16 Q. Okay. Go ahead.

17 A. A black nylon head cover, two red
18 bandannas.

19 Q. Okay.

20 A. Two pawn slips. We have a bag that was
21 green, gray and black.

22 Q. What kind of a bag?

23 A. Looked like an outdoor -- it was an outdoor
24 unnamed brand.

25 Q. An outdoor bag?

1 A. Yeah, outdoor bag.

2 Q. Green, gray and black?

3 A. Uh-huh. I'm sorry, I wasn't reading right.

4 It's a backpack, my mistake. A silver soft cooler.

5 Q. Was there anything in the cooler, any
6 cokes?

7 A. No, not that I remember.

8 Q. Empty?

9 A. I think so but I couldn't be positive.

10 Q. I'm going to scratch that out. Foreign
11 coins that were located in a silver metal box. What
12 type of box was it? Was it a jewelry box?

13 A. Silver metal box is what's here and just
14 assorted loose coins. That's all I have listed.

15 Q. All right. Were there any papers that you
16 recall being taken or being present that you
17 inventoried?

18 A. The pawn slips.

19 Q. Do you recall whose name was on the pawn
20 slip?

21 A. Let me see here, I might have it written
22 down here. No, I don't.

23 MS. BARNETT: May I have a second,
24 Judge?

25 THE COURT: You may.

1 MS. BARNETT: May I approach the
2 witness?

3 THE COURT: You may.

4 Q. (BY MS. BARNETT) Did you do the report in
5 this case?

6 A. I didn't. I just did the supplement.

7 Q. That's what I meant. Did you do a
8 supplement, in this case?

9 A. Yes.

10 MS. BARNETT: May I approach the
11 witness?

12 THE COURT: Yes.

13 Q. (BY MS. BARNETT) Would your supplement have
14 more information on it than some of the -- what
15 you've given us as far as the details about the
16 property.

17 A. That's the property that we recovered and
18 then the second is what we returned back to the
19 complainant.

20 Q. All right. What was returned back to the
21 complainant?

22 A. One of the laptops.

23 Q. Is what you're about to tell us comes from
24 this list?

25 A. Yes, ma'am.

1 Q. Who was one of the laptops returned to?

2 A. That was returned to complainant Crozier,
3 C-r-o-z-i-e-r.

4 Q. All right.

5 A. And we had the cell phones, four of the
6 five cell phones and we had --

7 Q. Four of the cell phones were returned to
8 who?

9 A. The same person.

10 Q. Do you recall which ones?

11 A. Yes, I do. The Samsung, the Nokia,
12 BlackBerry and the T Mobile.

13 Q. Who were they returned to?

14 A. Same person.

15 Q. Sue Crozier?

16 A. Yes, ma'am.

17 Q. All right.

18 A. Then I have the Sony camcorder bag, I'm not
19 sure that's on that list or not.

20 Q. Is that Sony camcorder bag?

21 A. Yes. DVD video.

22 Q. Was this a camcorder and a bag?

23 A. Just the bag.

24 Q. Who was that returned to?

25 A. Same person.

1 Q. Okay.

2 A. And then the jewelry.

3 Q. Yes.

4 A. Was diamond hair pins, the silver ring.

5 Q. Who'd these go to?

6 A. Same person.

7 Q. Okay.

8 A. The one diamond earring and the necklace.

9 Q. Okay.

10 A. And that backpack, the green, black, gray
11 backpack.

12 Q. Who'd that go to?

13 A. The same person.

14 Q. All right.

15 A. And then the iPod was returned to -- let's
16 see what's his name, B-o-r-o-w-s-k-i is his last
17 name, first name is John.

18 Q. Would that be a deputy with the sheriff's
19 office?

20 A. That's the guy that owned that iPod, we
21 returned that -- we did give that property back to
22 the Harris County officer who in turn gave it back to
23 the complainant.

24 Q. All right. Let me ask you a question, was
25 there -- when you were trying to determine ownership

1 of property, what do you do? I mean if you look at
2 serial numbers and it doesn't come back to anything,
3 what do you do?

4 A. Lot of times like the laptop, it was very
5 specific it -- we were able to make sure everything's
6 straight here --

7 Q. Let me ask you to take a look at your
8 report from standpoint. Let's take a look at the
9 iPhone. You already testified that Samsung, Nokia,
10 BlackBerry and T Mobile were returned to Ms. Crozier?

11 A. Yes.

12 Q. Was there anything on the iPhone that came
13 up and you were able to pull it up. A picture of
14 anything?

15 A. There had to have been. I don't remember
16 exactly what it was. There must have been something
17 there for her to say that was hers, yes.

18 Q. Did you come across the name Whitlow on
19 anything?

20 A. Whitlow?

21 Q. To be fair --

22 A. There was so much property there.

23 Q. And you got called this morning?

24 A. Yes, ma'am.

25 Q. To come in.

1 A. Yes, ma'am.

2 Q. So the jury understands this is not
3 something you and I have talked about over and over?

4 A. Yes, ma'am. It's my first time here.

5 Q. When this property after you tagged it and
6 made a record of it, some of it was returned to a
7 complainant?

8 A. Uh-huh.

9 Q. And other property went to --

10 A. The property room.

11 Q. And to the sheriff's office as well?

12 A. Yes, ma'am.

13 Q. Did Sue Crozier have an opportunity to look
14 at all this property?

15 A. Yes. She came to the office. This was not
16 done by phone, she came to our Westside office there
17 at Dairy Ashford and Richmond. She went through and
18 picked out this is mine, this is mine, this is mine.
19 We went through and verified, especially the
20 electronics with her.

21 Q. Did you have access or were you able to see
22 any kind of offense report from the sheriff's
23 department that corroborated what it was that she had
24 stolen?

25 A. No.

1 MS. BARNETT: Judge, may I approach?

2 THE COURT: You may.

3 Q. (BY MS. BARNETT) Let me ask you to take a
4 look just to refresh your memory.

5 A. Okay.

6 Q. Now, is that item listed here?

7 A. That's the first laptop, yes, ma'am.

8 Q. Were you able to make an identification or
9 did a name pop up?

10 A. Yeah. The name Whitlow showed up when we
11 turned the computer on but as far as, you know,
12 checking our HPD system and assuming Harris County
13 checked their system we weren't able to determine.

14 Q. Okay. One comes back to Sue Crozier, the
15 another one has a name Whitlow?

16 A. Yes, ma'am.

17 Q. You checked it to make sure it didn't come
18 back to anybody else?

19 A. Yes, ma'am.

20 Q. Let me ask you to look at this item No. 3
21 under the IPod. Touch screen. You already testified
22 I believe that you had one IPod Shuffle and two I
23 Touches?

24 A. Yes.

25 Q. Did a name come up on one of I Touches?

1 A. Herbert Bill -- I'm sorry, Bill Herbert.

2 Q. H-e --

3 A. -- r-b-e-r-t.

4 Q. That's it. Thank you.

5 MS. BARNETT: I'll pass the witness.

6 THE COURT: Thank you.

7 Mr Jones.

8 **CROSS-EXAMINATION**

9 BY MR. JONES:

10 Q. Officer Lombardo?

11 A. Yes, sir.

12 Q. In connection with the --

13 MR. JONES: May I approach the board?

14 THE COURT: Yes.

15 Q. (BY MR. JONES) The I Phones -- let's see,
16 were all these items returned to anyone?

17 A. The items that were --

18 Q. Yes or no.

19 A. Were all items return to, no not all items
20 were returned.

21 Q. So there was no determination made by you
22 or anyone else that all of those items were stolen;
23 is that correct?

24 A. The items that we tagged in the property
25 room.

1 Q. Now, there was no determination that Mr.
2 Hollie stole those items, was there?

3 A. No determination?

4 Q. Right. That he stole it?

5 A. No.

6 MS. BARNETT: I object, that calls for
7 legal conclusion, Jury's the trier of fact.

8 THE COURT: Rephrase the question.

9 Q. (BY MR. JONES) Those items were stolen on
10 the 28th day of September, some of them?

11 A. Yes, sir.

12 Q. That's Ms. Crozier's stuff, right?

13 A. Right.

14 Q. And those are the things you said she got,
15 right?

16 A. That we returned to her, yes, sir.

17 Q. And the car being driven by a Joseph Simien
18 had the items that she had lost in a burglary inside
19 of his vehicle -- inside of that vehicle he was
20 driving; is that correct?

21 A. That's correct.

22 Q. And the items that were inside of that
23 vehicle that he was driving were in the trunk?

24 MS. BARNETT: If he knows. If the
25 witness knows where the items were.

1 *THE COURT:* He may testify if he
2 knows.

3 A. That I don't recall exactly where all the
4 items were recovered.

5 Q. (*BY MR. JONES*) But you inventoried it,
6 right?

7 A. I inventoried the property that was brought
8 to the office.

9 Q. I'm sorry, it's an improper question for me
10 to ask you where it was. Did anyone tell you or make
11 a report that says I found this in the front seat
12 floorboard? Were there any notations relevant to
13 that?

14 A. I have not looked at the original report, I
15 cannot say yes or no.

16 Q. Well, if nobody's testified to it then it
17 may or may not be in the report; is that correct?

18 *THE COURT:* Are you testifying, Mr.
19 Jones?

20 *MR. JONES:* I was trying to.

21 *THE COURT:* I know you were. Don't do
22 that.

23 *MR. JONES:* I take it back.

24 Q. (*BY MR. JONES*) You didn't arrest anybody?

25 A. As far as -- I was there when the car was

1 stopped, yes.

2 Q. So you had an opportunity to look at the
3 inside of the car?

4 A. I was with -- the people who were inside
5 the car I was the dealing with.

6 Q. I'm sorry. You never went inside the car?

7 A. No, sir. Far as I know I didn't go in the
8 car.

9 Q. Did you deal with Mr. Simien?

10 A. I don't know who I dealt with, sir.

11 Q. Did you deal with that driver?

12 A. I don't remember.

13 Q. Did you take his phone?

14 A. It's possible.

15 Q. Did you find in his phone text messages in
16 regard to buying and selling property?

17 A. I don't remember.

18 Q. Buying and selling drugs?

19 A. I don't remember.

20 Q. But you didn't get a key to the trunk of
21 that car from Travoy Hollie?

22 A. I didn't deal with the car.

23 Q. You'd never saw Travoy Hollie at or near
24 the trunk of that car?

25 A. I didn't deal with the car and I don't know

1 what the officers saw, what they saw when he was with
2 that car.

3 Q. Did you fingerprint any of the items that
4 you gave back to Ms. Crozier?

5 A. No.

6 Q. Did you fingerprint any of the items that
7 you confiscated?

8 A. No.

9 Q. Counting the items that you took in your
10 possession, there were at least 27 different items
11 confiscated, is that right?

12 A. I did not count them up, I'm going to take
13 your word for it.

14 MR. JONES: May I approach?

15 THE COURT: You may.

16 Q. (BY MR. JONES) Let me show you what have
17 been marked for identification purposes only what
18 purports to be an offense report inventory beginning
19 on page 103, 104, 105. I ask you to look and see if
20 that helps you refresh your memory?

21 A. This is --

22 Q. Does it help refresh your memory?

23 A. Basically everything I read off of is this.

24 Q. Would that be the same offense report you
25 had?

1 A. This is not how I type my -- this is the
2 article screen that somebody else typed in. I did
3 mine this way.

4 Q. Now, after reviewing that offense report,
5 does it help refresh your memory that there are at
6 least 29 items that were chronicled and inventoried?

7 A. Yes, 27, yeah, listed here.

8 Q. Twenty-seven. And some of them are
9 multiple things under one thing, like a ring and
10 things like that?

11 A. Yes.

12 Q. So the number would be greater?

13 A. Correct.

14 Q. Of these 29 plus items, you only returned
15 seven items to Ms. Crohn -- Crozier?

16 A. Again, I didn't count it up.

17 Q. Could you count it up for me?

18 A. You want me to count it?

19 Q. Yes. You don't have to count it. If you
20 look at it and it helps you refresh your memory.

21 A. Seven sounds about right.

22 MR. JONES: Pass the witness.

23 **REDIRECT EXAMINATION**

24 Q. (BY MS. BARNETT) If there's other property
25 belonging to other victims, that's multitude of

1 burglaries in that car?

2 MR. JONES: I object to her
3 testifying. There's been no testimony from anybody.

4 Q. (BY MS. BARNETT) Well, you got a name of
5 Whitlow?

6 A. Uh-huh.

7 Q. You got a name of Herbert or Herbert, you
8 got a name of Crozier?

9 A. Correct.

10 Q. You don't know if there's other names?

11 A. Correct.

12 Q. One of the things defense counsel asked you
13 about was that the property from Ms. Crozier's
14 burglary was approximately a month before this stop,
15 it was in September?

16 A. Right.

17 Q. So do you know when or if Mr. Whitlow's
18 house was burglarized?

19 A. I do not.

20 Q. Do you know if the Herbert's house was
21 burglarized?

22 A. I do not.

23 Q. And do you know whether or not there was
24 other property in that car that belonged to other
25 burglaries?

1 A. I do not.

2 Q. Certainly, if somebody steals something in
3 a burglary in September, that's illegal, right?

4 A. Yes, ma'am.

5 Q. If somebody's in possession of stolen
6 property and they know that it's stolen, that's
7 illegal, isn't it?

8 A. Yes, ma'am.

9 Q. In fact, it doesn't matter how much time
10 has elapsed from the burglary, if you're in
11 possession of stolen property a month later, that's
12 illegal?

13 A. Correct.

14 MS. BARNETT: Your Honor, may I
15 approach?

16 THE COURT: You may.

17 **(At the Bench)**

18 MS. BARNETT: I just received pictures
19 from the scene about the property that the defense
20 counsel obviously hasn't seen it because I haven't
21 seen it. I want to show them to him over lunch and
22 possibly introduce them.

23 THE COURT: Ladies and gentlemen, it's
24 good time to take our noon recess. The bailiffs will
25 take you to lunch. We'll be back probably about 1,

1 1:30. You're excused at this time. Let me caution
2 you once again, do not talk about this, don't Google,
3 watch, phone, anything. Be back at 1:30.

4 ***(Jury leaves courtroom)***

5 MS. BARNETT: These will be State's
6 Exhibit 2 through 23 that will be marked and I
7 believe will not have any objection; is that right?

8 MS. MILLER: Yes.

9 THE COURT: Thank you.

10 MS. BARNETT: Then these pictures
11 which she does have an objection to.

12 THE COURT: And the objection?

13 MS. MILLER: They appear to be
14 duplicates, each one of those are in the ones that
15 have been accepted. That first one, I don't know
16 what that is.

17 THE COURT: That's a Garmin.

18 MS. MILLER: A what?

19 THE COURT: Garmin GPS.

20 MS. MILLER: Okay, we have a photo of
21 that, the GPS.

22 MS. BARNETT: Just some are up close.
23 Do you want all this on the record, Judge?

24 THE COURT: Yes.

25 MS. MILLER: Some more down here.

1 THE COURT: What's the difference in
2 those two?

3 MS. BARNETT: Nothing.

4 THE COURT: Take it, it's withdrawn.
5 Twenty-two, 21, 22, that's 23. Gold/silver ring.

6 MS. MILLER: It's right here, it's
7 with the watch.

8 THE COURT: That will be overruled, it
9 will be admitted. And the two different diamond --
10 that will be overruled, it will be admitted. That
11 will be admitted. The backpack.

12 MS. BARNETT: That's probably fair,
13 I'll take that one out.

14 THE COURT: Which one?

15 MS. BARNETT: Is that the same one?

16 MS. MILLER: It's the same one.

17 MS. BARNETT: It's front and back,
18 though. That's the difference.

19 THE COURT: It's admitted.

20 (Luncheon recess)

21 THE COURT: Good afternoon, ladies and
22 gentlemen. I hope you enjoyed the nutritious lunch.

23 You may proceed.

24 MS. BARNETT: Thank you, Judge.

25 Q. (BY MS. BARNETT) Detective, did you

1 photograph any of the evidence you collected?

2 A. Yes, ma'am.

3 MS. BARNETT: Your Honor, may I
4 approach the witness?

5 THE COURT: You may.

6 Q. (BY MS. BARNETT) I'm going to show you just
7 some of the photographs. I'd like you to take a look
8 at State's Exhibit No. 2 through 23, take a look at
9 those and tell me whether or not you can identify
10 them?

11 A. Yes, ma'am.

12 MS. BARNETT: May I approach the
13 witness, Judge?

14 Q. (BY MS. BARNETT) How is it you can identify
15 these photographs?

16 A. These are the pictures we took in our
17 office, those pictures I took in the office.

18 Q. Do they fairly and accurately represent the
19 property as you saw it on October 12th, 2011?

20 A. Yes, ma'am.

21 MS. BARNETT: Your Honor, we'd offer
22 into evidence State's Exhibit 2 through 23. Let
23 record reflect I'm tendering to opposing counsel.

24 MR. JONES: We have no objection.

25 THE COURT: State's Exhibit 2 through

1 23 are admitted without objection. May be published.

2 MS. BARNETT: May I approach the
3 witness?

4 THE COURT: You may.

5 Q. (BY MS. BARNETT) I'm going to show you
6 what's been marked 24 through 39, ask you to take a
7 look at those and tell me whether or not you can
8 identify them?

9 A. Yes, ma'am.

10 Q. How can you identify them?

11 A. Sorry?

12 Q. I'm sorry. How can you identify them?

13 A. These are the property that was recovered.

14 MS. BARNETT: Your Honor, we would
15 offer into evidence State's Exhibit 24 through 39.
16 Let the record reflect I'm tendering to opposing
17 counsel.

18 THE COURT: Mr. Jones, have you had a
19 chance to look at those?

20 MR. JONES: These are bigger. Judge,
21 other than the previous objections that the Court's
22 ruled on we would have no objections.

23 THE COURT: Shall be admitted. May be
24 published.

25 MS. BARNETT: Thank you, Judge.

1 Q. (BY MS. BARNETT) Let me basically start
2 with State's Exhibit No. 2. What does that show us?
3 Can you see it?

4 A. Yes, ma'am. It's the camera bag, the Sony
5 DVD player I believe and some video tapes.

6 Q. State's Exhibit 3?

7 A. That's going to be the foreign coins.

8 Q. Did you take an up close picture?

9 A. Yes, ma'am.

10 Q. Show you States Exhibit No. 6, what does
11 that show?

12 A. Cell phone, foreign coins and then the
13 magazine clip.

14 Q. Would you -- is the magazine on the left or
15 the right?

16 A. My right.

17 Q. Would this be the magazine clip?

18 A. Yes, ma'am.

19 Q. Do you know whether or not -- was there
20 only one magazine clip found?

21 A. I don't recall. What was given to me, this
22 is our office table, is what I took pictures of.

23 Q. Okay. Let me show you State's Exhibit
24 Number 8, what is that?

25 A. Pawn slip.

1 Q. And the person who pawned the property,
2 would that be listed on the pawn slip?

3 A. Yes, ma'am.

4 Q. Do you know who Latara Pierce is?

5 A. I do not.

6 Q. Do you know whether or not Latara Pierce
7 has a relationship with Travoy Hollie?

8 A. I do not.

9 MR. JONES: Your Honor, I'm going to
10 object to it.

11 THE COURT: You still want to object?

12 MR. JONES: I'll use it in
13 cross-examination. I take it back.

14 Q. (BY MS. BARNETT) The property is a laptop?

15 A. Yes, ma'am.

16 Q. What is this of?

17 A. That's probably a video recorder or DVD
18 player, I'm not sure which one's which.

19 Q. State's Exhibit No. 12?

20 A. Playstation.

21 Q. State's Exhibit 11?

22 A. GPS cover.

23 Q. Is that the case for it?

24 A. Case, yes, ma'am.

25 Q. State's Exhibit No. 13?

1 A. That's the wireless mouse.

2 Q. State's Exhibit No. 14?

3 A. A jewelry and a credit card, I'm not sure
4 what's in the middle.

5 Q. Is that what you're talking about?

6 A. Yes, ma'am.

7 Q. What does that say?

8 A. It says Toshiba on that I believe.

9 Q. Let me show you State's Exhibit No. 15.

10 A. Computer laptop.

11 Q. Toshiba?

12 A. Yes, ma'am.

13 Q. State's Exhibit No. 24?

14 A. Sue.

15 Q. Is that the necklace?

16 A. Necklace, yes, ma'am.

17 Q. State's Exhibit 25?

18 A. Credit card with Sue Crozier's name on
19 there.

20 Q. Is it possible it might be Crozier?

21 A. Yes, ma'am.

22 Q. State's Exhibit No. 16?

23 A. That's the backpack.

24 Q. No. 17?

25 A. Cell phones.

1 Q. No. 18?

2 A. More cell phones.

3 Q. Are the cell phones in 17 and 18 the same
4 or are they different?

5 A. Different.

6 Q. Okay. State's Exhibit No. 20?

7 A. That's that soft cooler.

8 Q. State's Exhibit No. 23?

9 A. Jewelry, more jewelry and the watch.

10 Q. Does State's Exhibit No. 37 reflect any of
11 the property shown in State's Exhibit 23?

12 A. Yes, ma'am. Those would be the hair pin
13 diamonds I guess you'd call them.

14 Q. What about State's Exhibit No. 38, does
15 that reflect any of the property found?

16 A. Yes, ma'am. That's going to be the ring in
17 the middle of the necklace.

18 Q. State's Exhibit No. 34?

19 A. That's a shuffle I believe.

20 Q. IPod?

21 A. IPod, yes, ma'am.

22 Q. State's Exhibit No. 21?

23 A. That's going to be the clothing we found.

24 Q. In the back, is this the same jewelry we
25 saw?

1 A. Yes, ma'am.

2 Q. Is this another part of the electronics
3 we've already seen?

4 A. Yes. Probably the charger for the laptop.

5 MS. BARNETT: With that, Judge, I'll
6 pass the witness.

7 MR. JONES: If I may, Judge.

8 **CROSS-EXAMINATION**

9 BY MR. JONES:

10 Q. Are you Detective Lombardo?

11 A. I'm Officer Lombardo, not really a
12 detective, sir.

13 Q. Well, you could be a detective.

14 MR. JONES: May I approach the
15 witness, Judge?

16 THE COURT: You may.

17 Q. (BY MR. JONES) These exhibits that have
18 been described and admitted?

19 A. Yes, sir.

20 Q. Let me ask you a couple questions.

21 A. Sure.

22 Q. This Exhibit No. -- that's a knife, right?

23 A. You're asking the wrong person.

24 Q. The one with the writing on it, do you know
25 what this writing says?

1 A. It's going to say found front left pocket
2 of older hat.

3 Q. Older hat?

4 A. O-d-l-e-r, odler, I'm not sure what that
5 is.

6 Q. Something hat?

7 A. I didn't write that.

8 Q. Let me ask something. Here's another
9 picture in here.

10 A. Yes, sir.

11 Q. Purports to be basically the same thing.
12 I'm going to see if I can find it. That appears to
13 be the backpack. Is that any clearer to you?

14 A. The -- it's backwards. It was taken -- I
15 don't know what that word is.

16 Q. I can't make it out either. Now, let me
17 show you what has been offered into evidence as
18 State's Exhibit No. 6.

19 A. Yes, sir.

20 Q. You took these pictures; is that right?

21 A. I did.

22 Q. Is this a quarter or nickel?

23 A. I don't know what that is.

24 Q. Quarter would be about this size, right?
25 This is a quarter?

1 A. Uh-huh.

2 Q. So that would be a little bit bigger,
3 right? If it was a nickel that would be virtually
4 the same size would you say?

5 A. If you say.

6 Q. Well, that's what it looks like, right?

7 A. Sure.

8 Q. Nickel, quarter. What I want to do is ask
9 you a question about perspective. Things that are
10 closer to you when you take it with a camera, they
11 appear to be larger; is that correct?

12 A. Correct.

13 Q. Things that are at the greater distance,
14 they seem to get smaller?

15 A. Correct.

16 Q. Would this at the bottom here be almost the
17 same size pretty much if we do the example of the
18 quarters and stuff?

19 A. Yeah, if you do it that way.

20 Q. All right. Now, let me show you what has
21 been admitted for demonstrative purposes as State's
22 Exhibit No. 1 and State's Exhibit No. 6. Is No. 1
23 the same or similar as No. 6?

24 A. No.

25 Q. Somebody found a picture. I want to ask

1 you about in State's Exhibit No. 6, the items that I
2 referred to, is that a clip?

3 A. Yes, sir.

4 Q. What kind?

5 A. I don't know.

6 Q. Holds bullets?

7 A. Yes.

8 Q. All right. Showing you what amounts to
9 State's Exhibit No. 7, can you read what that says?
10 And is that Sedric?

11 A. Probably. S-e-d, yeah, s-e-d -- s-e-d-r.

12 Q. Things contained in Exhibit No. 4 be
13 consistent with the coins in State's Exhibit 7?

14 A. The foreign coins, yes, sir.

15 Q. Would it be reasonable to assume that what
16 Sedric had in his front pocket, front left pocket is
17 the same as what's in the other exhibit, the bag of
18 coins?

19 MS. BARNETT: Objection. Witness
20 can't state what's in Sedric's pockets if, in fact,
21 this was found in Sedric's pocket?

22 THE COURT: That'll be sustained.

23 Q. (BY MR. JONES) You took the picture, didn't
24 you?

25 A. Yes.

1 Q. And the picture said found in Sedric's
2 pocket?

3 THE COURT: Any other questions?

4 MR. JONES: Yes, sir, Judge.

5 Q. (BY MR. JONES) There are no notations on
6 any of the pictures that anything was found in
7 Hollie's pocket, correct?

8 A. As far as what I wrote?

9 Q. Right.

10 A. I'm not sure about the original report.

11 Q. Okay. What you took pictures of?

12 A. Yes, sir.

13 Q. As far as?

14 MR. JONES: May I approach?

15 THE COURT: You may.

16 Q. (BY MR. JONES) There are and I'm going to
17 tell you what I'm looking for, two pawn, a picture of
18 two?

19 A. Yes, sir. I know what you're talking
20 about.

21 Q. It talked about two laptops, right.

22 A. I saw one. If that's what it says that's
23 what it says.

24 Q. I might have misspoken. There's a pawn
25 slip involving two laptops, right?

1 A. Okay.

2 Q. Did you ever or anyone at your direction
3 investigate this?

4 A. No, I didn't.

5 Q. And so the police -- when things are
6 pawned, they have to remain -- well, a pawn shop has
7 to keep them for at least 30 days?

8 A. Yes.

9 Q. Anything's that's pawned.

10 A. Yes.

11 Q. And where an object has the serial number
12 on it and the description on it; is that correct?

13 A. Correct.

14 Q. Then that would be subject to being
15 investigated?

16 A. Correct.

17 Q. By the police department?

18 A. By our burglary and theft division.

19 Q. That's before it can be sold?

20 A. Correct, within that 30 days.

21 Q. Right. Can you read this -- interpret what
22 it says?

23 A. No.

24 Q. I can't either. And so nowhere in your
25 investigation did you determine that this pawn ticket

1 represented something that was stolen?

2 A. I didn't pursue the pawn slips, I pursued
3 the property that I listed in my supplement.

4 Q. And to have done that would have been good
5 police work?

6 A. That to our burglary theft division.

7 Q. There's nothing as far as you know whatever
8 has been pawned had to be returned to anybody?

9 A. As far as I know, no, I don't know.

10 Q. As far as the other items that were found
11 in the vehicle other than what you have there, you
12 didn't return it to anybody?

13 A. As far as the property I listed is what I
14 returned, yes.

15 Q. And the rest was placed --

16 A. In our central property room, yes, sir.

17 MR. JONES: Pass the witness.

18 THE COURT: Ms. Barnett.

19 MS. BARNETT: Yes, Judge.

20 **REDIRECT EXAMINATION**

21 Q. (BY MS. BARNETT) The coins that were found
22 in State's Exhibit 7, did those appear or would they
23 have been similar to the coins that were found in
24 State's Exhibit No. 3?

25 A. Yes, ma'am.

1 Q. Okay. Now, in looking at State's Exhibit
2 No. 7, is this the one we looked at that said found
3 front left pocket of S-e-d-r?

4 A. Yes, ma'am.

5 Q. And something about a hat. Do you know
6 what that says?

7 A. The last, no, I don't know what that is.

8 Q. So essentially the coins that were listed
9 are shown in State's Exhibit No. 7, how many coins
10 there do you see?

11 A. Three.

12 Q. And about how many coins were there?

13 A. I don't know. It can be anywhere from 40
14 to 60.

15 Q. Three's a pretty small pay off for all
16 those coins?

17 MR. JONES: I object to the side bar
18 and the question, it doesn't elicit an answer and
19 assumes facts.

20 THE COURT: Rephrase the question.

21 Q. (BY MS. BARNETT) I mean the coins if they
22 were found in Sedric's front pocket as written down
23 there doesn't represent a fraction of what the coins
24 that were found, right?

25 A. Yes, ma'am.

1 Q. As far as the magazine in State's Exhibit
2 No. 6, did you know that to be a magazine?

3 A. Just from the picture, ma'am.

4 Q. You've been a police officer for how long?

5 A. Close to 20 years.

6 Q. Would you know what a magazine looked like
7 from a long gun?

8 A. Yes, ma'am.

9 Q. Essentially what he showed you from
10 demonstrative evidence No. 1 -- I'm not sure where it
11 is.

12 A. I see it.

13 Q. You said it did not look the same?

14 A. As far as the picture what he asked.

15 Q. Sure. It's not the same because that one's
16 curved, right?

17 A. Yes.

18 Q. And the other one's not, it's straight?

19 A. Correct.

20 Q. They're about the same color essentially
21 and no one's purporting that to be the same one but
22 if one was thrown out of a window, a magazine from a
23 long gun, do you think as a police officer you might
24 recognize that as a long gun, from a long rifle?

25 MR. JONES: Calls for conclusion on

1 his part.

2 THE COURT: He can answer it.

3 A. Yes, ma'am.

4 Q. (BY MS. BARNETT) Would that be something
5 you pay attention to as a police officer?

6 A. Yes, ma'am.

7 Q. Why?

8 MR. JONES: Judge, I'm going to object
9 to that, it's outside of the scope of direct. It's
10 outside the scope of cross that -- and it is
11 cumulative on the part of this witness who has no
12 knowledge if anything was thrown out of a window of a
13 car. He didn't see anything being thrown out of a
14 window of a car.

15 Q. (BY MS. BARNETT) You can answer.

16 A. Can you repeat the question?

17 Q. Yes. As a police officer on duty in an
18 investigation, would throwing a magazine out of a --
19 a magazine belonging to a gun, not like people, would
20 that be something you'd pay attention to?

21 A. Yes, ma'am. That would indicate possibly a
22 gun inside the vehicle.

23 Q. Is that something you'd want to know about
24 if you're the investigator?

25 A. Of course.

1 MS. BARNETT: Pass the witness.

2 **RECROSS-EXAMINATION**

3 Q. (BY MR. JONES) Of your entire investigation
4 did you find anything that you observed that was the
5 same or similar to a gun big, little, small or
6 anything?

7 A. You asked if the gun was located.

8 Q. No. Did you investigate anything relative
9 to a gun? Did you see a gun?

10 A. No.

11 Q. Did you take a picture of a gun?

12 A. No.

13 MR. JONES: May I approach, Judge?

14 THE COURT: You may.

15 Q. (BY MR. JONES) You remember my questions to
16 you about this magazine and this picture with the
17 magazine on it?

18 A. Yes, sir, it's up here.

19 Q. Okay. If I asked you all those questions
20 again that I asked you before, would your answer
21 change as to any question I asked you about this
22 magazine?

23 A. About that magazine, no.

24 Q. All right.

25 MR. JONES: Pass the witness.

1 MS. BARNETT: I don't have anymore
2 questions.

3 THE COURT: You may step down.

4 THE WITNESS: Thank you.

5 THE COURT: Call your next witness.

6 MS. BARNETT: Sue Crozier.

7 (The witness was sworn.)

8 THE COURT: Right up here, please.

9 You may proceed.

10 MS. BARNETT: Thank you.

11 **SUE CROZIER,**

12 having been first duly sworn, testified as follows:

13 **DIRECT EXAMINATION**

14 BY MS. BARNETT:

15 Q. Would you please state your full name for
16 the record?

17 A. Sue Crozier.

18 Q. Ms. Crozier, have you ever testified
19 before?

20 A. No.

21 Q. Are you nervous?

22 A. Yes.

23 Q. All right. Just take it easy and if I ask
24 you a question you don't understand or is convoluted,
25 which could happen, just ask me to repeat it, okay?