

1 Miller.

2 THE BAILIFF: This witness needs to be  
3 sworn, Judge.

4 THE COURT: Okay. All right, sir, if you  
5 would raise your right hand.

6

7 KIRK MILLER,  
8 the witness, having first been duly sworn, testified as  
9 follows:

10 THE COURT: You may proceed when you're  
11 ready.

12 DIRECT EXAMINATION

13 BY MS. MITCHELL:

14 Q Would you please introduce yourself to us?

15 A My name is Kirk Miller. I am with the Houston  
16 Police Department under the management of the Houston  
17 Forensic Science Center and I work with fingerprints.

18 Q And how long have you been in that area of the  
19 crime lab?

20 A About six years.

21 Q And did you have any special training or education  
22 to become part of the crime lab?

23 A I have an Associate's degree of applied science  
24 from North Harris university and I also have a Bachelor of  
25 Science degree in criminal justice from U of H, and I

1 received over a thousand hours of training, most recently  
2 a 450-hour modular training course that covers evidence  
3 processing, photography and report writing.

4 Q What do you do in your current position?

5 A I process evidence that is brought to our lab to  
6 develop latent prints using various fingerprint powders,  
7 chemicals and electronic method.

8 Q What is a latent print?

9 A It's a reproduction of the ridges of the hands or  
10 feet and sweat or other substances on an object that it  
11 touched. It's usually that's unable to be seen so it  
12 requires processing either chemically or with powder to  
13 make it visible.

14 Q And how do you go about making a latent print  
15 visible?

16 A Well, first I look at the object that I receive  
17 and I determine if it's a nonporous, porous or semi-porous  
18 object. Nonporous being that water does not absorb into  
19 it. Porous meaning water absorbs into it and semi-porous  
20 meaning water will sit on the top of the surface for a  
21 little while and then absorb into the surface over time.

22 Q And I guess what is the next step after you  
23 determine the surface?

24 A Once I determine that the surface like in this  
25 case was nonporous I then expose it to super glue fumes

1 and I then hit it with a fluorescent dye stain known as  
2 fluoroamine 6G and look at it under a laser.

3 Q In this case, were you asked to I guess process  
4 the evidence for latent prints?

5 A Yes.

6 Q And what item were you asked to process?

7 A I was asked to process a knife with a black  
8 handle.

9 Q Okay. And so in this case, you said that it was a  
10 nonporous surface?

11 A That is correct.

12 Q Okay. And what did you do once you received the  
13 knife?

14 A I received it, like I said, I looked at the  
15 evidence to determine the surface type and I began my  
16 processes.

17 Q Okay. Were you able to develop any sort of prints  
18 on that handle?

19 A No, I did not find any friction ridge detail.

20 Q And what does that mean?

21 A Friction ridge detail is the reproduction of the  
22 ridges on hands and feet. And I did not find any detail  
23 on the surface.

24 MS. MITCHELL: May I approach the bench,  
25 Your Honor?

1 THE COURT: You may.

2 Q (BY MS. MITCHELL) I'm showing you what has been  
3 premarked as State's Exhibit No. 51. Do you recognize  
4 that?

5 A Yes, I do.

6 Q And what is that?

7 A It is a copy of the report that I wrote.

8 Q Is that a fair and accurate copy?

9 A Yes, it is.

10 Q Has it been altered in any way?

11 A No, it has not.

12 Q Is your signature on there?

13 A Yes, it is.

14 MS. MITCHELL: Your Honor, at this time  
15 State offers State's 51 after tendering to opposing  
16 counsel for his inspection.

17 THE COURT: Okay.

18 MR. POPE: No objections, Judge.

19 THE COURT: Okay. 51 is admitted.

20 Q (BY MS. MITCHELL) Are fingerprints easy to wipe  
21 off of an object?

22 A Fingerprint residue is 99 percent water and on a  
23 nonporous surface the water sits on top of it so it is  
24 very susceptible to being wiped off the surface.

25 Q Is it unusual that you don't find prints or any

1 friction ridge detail on an item?

2 A No.

3 MS. MITCHELL: Pass the witness, Your  
4 Honor.

5 THE COURT: Cross?

6 MR. POPE: Just briefly, Judge.

7

8 CROSS EXAMINATION

9 BY MR. POPE:

10 Q Good afternoon, Mr. Miller or Criminalist Miller.  
11 What are you actually, you're a criminalist?

12 A Senior police officer.

13 Q Senior police officer. I'm sorry.

14 Did you test any of the blade or just the  
15 handle?

16 A I tested the entire object.

17 Q Okay. So, obviously, you didn't find anything on  
18 the blade, either, or that would have been indicated in  
19 the report?

20 A That is correct.

21 Q Besides prints, do you ever test the knife for  
22 anything else?

23 A If a request wasn't made to have DNA collected or  
24 trace evidence, we do try to collect DNA and trace  
25 evidence prior to us processing it.

1 Q And did you do that in this case?

2 A No, I did not.

3 MR. POPE: No further questions, Judge.

4 THE COURT: All right. Any redirect?

5 MS. MITCHELL: No, Your Honor.

6 THE COURT: All right. Thank you, sir.

7 You may step down.

8 Please call your next witness.

9 MS. MITCHELL: May I step outside and see  
10 if my next witness is here?

11 THE COURT: Okay. That's fine.

12 MS. MITCHELL: Judge, may we approach?

13 THE COURT: Yes, ma'am.

14 (Bench)

15 MS. MITCHELL: The doctor isn't here yet.

16 Can I have a few minutes? I will call the doctor later.

17 Thank you.

18 THE COURT: Okay. Thank you.

19 (Open court)

20 MS. MITCHELL: State calls Tiffany

21 Sanders.

22 THE COURT: All right.

23 THE BAILIFF: This witness has not been  
24 sworn in, Judge.

25 THE COURT: All right. Thank you. Okay.

1 Come forward, ma'am. Right over this way. Please raise  
2 your right hand for me.

3

4 TIFFANY SANDERS,

5 the witness, having first been duly sworn, testified as  
6 follows:

7 DIRECT EXAMINATION

8 BY MS. MITCHELL:

9 Q Please introduce yourself to us.

10 A I'm sorry?

11 Q Could you please introduce yourself to us?

12 A I'm Tiffany Sanders.

13 Q And where are you from?

14 A Louisiana.

15 Q How long have you been in Houston?

16 A A long time. Over 20 years.

17 Q Okay. So do you know an individual by the name of  
18 Adrian Simon?

19 A Yes.

20 Q How do you know him?

21 A He's my kid's father.

22 Q And how many children do you have with him?

23 A Three.

24 Q And are they girls, boys?

25 A All girls.