

1 instructors with the FBI, the DEA, Department of
2 Public Safety, the American Institute of Applied
3 Science, as well as Houston Police Department, the
4 sheriff's office, Montgomery County Sheriff's Office,
5 and University -- various universities and colleges.

6 Q And you say you're in crime scene unit?

7 A That's correct.

8 Q Okay. Explain your job duties as a crime
9 scene investigator?

10 A Well, my -- primarily my job is to
11 investigate crimes of a violent and serious nature.
12 Usually something resulting in some type of
13 questionable death. And we also investigate rapes
14 and robberies where there's a shooting or someone's
15 been injured.

16 Q Now, is being a crime scene investigator for
17 the sheriff's department like being *CSI* on TV?

18 A No, it's -- it's not all that -- we don't
19 drive Hummers and there's not all that glory either.

20 Q No Armani suits or anything?

21 A No. And we don't make that money either.

22 Q Were you on duty back on January 15th of
23 2011?

24 A I was.

25 Q What hours were you working?

1 A I -- correction. That was during the
2 weekend. It was on a Saturday, and we were on call.
3 We take turns being on call on weekends about once a
4 month.

5 Q So January 15th being a Saturday, that was
6 your on-call weekend?

7 A It was.

8 Q Okay. And what did it mean to be on call?

9 A Well, you're by the phone, pretty much. And
10 I -- now I work day shift, so they try to call you
11 between your assigned hours, but a lot of times it
12 doesn't work that day, so you might get a call at
13 6:00 in the morning, you might get a call at 3:00 in
14 the morning, at 8:00 in the afternoon, whenever.

15 Q On January 15th of 2011, did you get called
16 out to a homicide?

17 A I did.

18 Q Okay. About what time did you get that
19 call?

20 A It was around 4:15 or so.

21 Q Okay. And where were you asked to go?

22 A I was asked to go to a residence off of Fry
23 Road, close to Fry Road and 529.

24 Q And is that 20131 Garden Landing Drive?

25 A It is.

1 Q And is that in Harris County, Texas?

2 A Yes.

3 Q About what time did you get to the scene?

4 A 5:33 p.m.

5 Q Was it still daylight?

6 A It was.

7 Q What did you do when you first got there?

8 A Well, my understanding was that they were
9 waiting on a search warrant before we could enter the
10 premise. So I concentrated on photographing and
11 documenting the outside of the exterior, documenting
12 there wasn't any forced entry. And we waited about
13 four hours for that search warrant to come in.

14 Q While you were documenting the outside of
15 the crime scene -- let me ask you, was the body still
16 there?

17 A Well, yes, it was.

18 Q Why is it important to document the crime
19 scene when you get there?

20 A Document just how you find things before
21 anything's disturbed, for later testimony in Court,
22 for investigation purposes, for analysis to different
23 labs.

24 Q And when you got there, was the scene
25 already secured with crime scene tape?

1 A Yes. There was a deputy standing by the
2 door and the scene was secure.

3 Q And when you first get there, do you talk to
4 the first responding deputy to kind of learn what
5 you've got?

6 A I do. I talk to the -- the responding
7 deputies, and I talk to the homicide investigators
8 that are on scene and try to get a feel of what --
9 you know, what we have, what we're working with.
10 Sometimes it depends also on the weather. If you
11 might want to do something outside before you do
12 something inside because of the weather. So you just
13 kind of -- kind of play it by ear.

14 Q Well, in this case, when you were done
15 documenting the outside and the search warrant came
16 in, then what did you do?

17 A Well, then I entered the residence by myself
18 at first, and I took several photographs and -- and
19 also completed a scene video.

20 Q And did you also recover any physical
21 evidence from the scene?

22 A Later when I told the other guys that I was
23 done taking my photographs and stuff, then they --
24 they entered and then we -- we went through and we
25 started meticulously going through the different

1 rooms and different areas looking for what might be
2 evidence.

3 Q And were there two particular pieces of
4 evidence that you recovered in this case?

5 A Yes.

6 Q Okay. And what were those?

7 A There was a spent shell casing close to the
8 body, just inches from the decedent's feet, and there
9 was an ankle monitor in the living room.

10 Q And you said you took a video of the crime
11 scene, correct?

12 A I did.

13 MS. DEANGELO: May I approach the
14 witness, Your Honor?

15 THE COURT: You may.

16 Q (By Ms. Deangelo) I'm showing you what has
17 been marked for identification purposes as State's
18 Exhibit No. 46. Do you recognize that?

19 A I do.

20 Q And was this video made on a recorder
21 capable of making an accurate recording?

22 A Yes, it was.

23 Q Did you have an opportunity to watch this
24 before you testimony today?

25 A Yes, I did.

1 Q Is this video a fair and accurate depiction
2 of the crime scene as it was back on January 15th,
3 2011?

4 A Yes, it is.

5 Q Is there any audio on this?

6 A No.

7 Q Has this recording been altered in any way?

8 A No.

9 MS. DEANGELO: Your Honor, at this
10 time, we offer State's Exhibit No. 46 into evidence.

11 MR. VILLARREAL: No objection, Your
12 Honor.

13 THE COURT: All right. State's 46 is
14 admitted.

15 (State's Exhibit No. 46 was admitted.)

16 MS. DEANGELO: We'd like to have the
17 jury watch the video at this point.

18 THE COURT: You may.

19 (Video begins to play.)

20 Q (By Ms. Deangelo) Is that just background
21 noise, Deputy?

22 A I think it is.

23 Q Because obviously you're outside at this
24 point.

25 And it looks like by the time you

1 started filming this was it starting to get a little
2 bit dark.

3 A We didn't receive the subpoena -- we got the
4 call that said that we had the search warrant at
5 9:33, I believe, so it was already dark by then.

6 Q It looks like you're using a flashlight to
7 illuminate something.

8 A That's correct. And I must have not blocked
9 the sound out. We usually do. But that's not
10 background. That's definitely audio.

11 Q Do you recall if all of these lights in the
12 house were already on, or did you turn them on to
13 investigate, if you remember?

14 A I don't remember.

15 Q Do you recall, was there a television on in
16 the living room?

17 A The television was on, and we left it on.

18 Q And is that the door opening to the garage
19 from the kitchen?

20 A That is. As soon as you walk into the
21 house, there's a foyer, and then immediately to your
22 right is the garage door.

23 Q So obviously that part is being videoed with
24 you inside the house looking into the garage?

25 A Yes.

1 Q And that's the TV that was already on?

2 A Yes, ma'am.

3 Q And you mentioned an ankle monitor found
4 in the living room. Is that what we're looking at
5 now?

6 A Yes, right there in front of the fireplace
7 next to the couch.

8 Q Would that appear to be the master bedroom?

9 A That was.

10 Q And were those drawers and cabinets open
11 when you got there?

12 A Yes.

13 Q So you're filming this as you found it
14 basically?

15 A Yes.

16 Q Did the dresser appear to you to be -- to
17 belong to a man?

18 A It did. The clothes in it were male
19 clothes.

20 MS. DEANGELO: May I approach the
21 witness, Your Honor?

22 THE COURT: You may.

23 Q (By Ms. Deangelo) I'm showing you what's
24 been marked as State's Exhibit No. 5. Do you
25 recognize that?

1 A I do.

2 Q And what is that?

3 A This is a Google aerial map that I printed
4 out that depicts the neighborhood and the streets
5 surrounding the residence where the scene occurs.

6 Q Okay. So you prepared that map yourself,
7 correct?

8 A I did.

9 Q Okay. And is that map a fair and accurate
10 depiction of the area where this homicide occurred?

11 A Yes.

12 Q And while I'm up here, I'd also like to show
13 you what has been marked as State's Exhibits No. 6
14 through 33 as well as Exhibit 47 and have you look
15 through those?

16 A Okay. (Witness complies.)

17 Q And did you actually take all of these
18 photographs?

19 A I did.

20 Q And are each of these photographs a fair and
21 accurate depiction of what they each purport to
22 depict?

23 A They are.

24 Q And were each of these taken on the date
25 that you investigated this scene, January 15th of

1 2011?

2 A The last few were taken on Monday when they
3 processed the vehicle.

4 Q Those would be 29 through 33, correct --

5 A Yes --

6 Q -- that were taken.

7 A -- of the vehicle.

8 Q Okay.

9 A All the pictures of the car.

10 Q Okay. And are each of those a fair -- fair
11 and accurate depiction of the car as it was at the
12 time that you processed it?

13 A Yes.

14 MS. DEANGELO: Your Honor, at this time
15 we offer State's Exhibit No. 5, which is this aerial
16 map, and then we offer 6 through 33, as well as 47,
17 with the exception of 8, 27, and 28, those three have
18 already been admitted through other witnesses.

19 MR. VILLARREAL: No objection, Your
20 Honor.

21 THE COURT: All right. State's 6
22 through 26, 29 through 33, 47 are admitted.

23 (State's Exhibit Nos. 6 through 26, 29
24 through 33 and 47 were admitted.)

25 THE COURT: Did you offer No. 5?

1 MS. DEANGELO: Yes, Your Honor.

2 THE COURT: Any objection to 5?

3 MR. VILLARREAL: No, Your Honor.

4 THE COURT: Five is admitted.

5 (State's Exhibit No. 5 was admitted.)

6 MS. DEANGELO: May I -- may I publish
7 these as we go along?

8 THE COURT: You may.

9 Q (By Ms. Deangelo) On the projector I have
10 State's Exhibit No. 5. You said that was the aerial
11 map that you prepared of this area?

12 A Yes, it is.

13 Q What are the major cross streets surrounding
14 this Garden Landing Drive address?

15 A This is -- this is Fry Road (indicating),
16 Logenbaugh. Then down here is 529 (indicating). And
17 this street that comes in here is at Rustic Lake and
18 Flowing Oak. And the house is the corner house on
19 the southwest corner.

20 Q And in this actual exhibit, there's a gray
21 rectangle around the address?

22 A Yes, there is.

23 Q It's hard to see up there. Now, I'm not
24 going to show all of these since we've seen the
25 video.

1 State's Exhibit No. 9 would have been
2 one of the first pictures you took of the outside of
3 the crime scene?

4 A That's correct.

5 Q Wasn't quite as dark then, right?

6 A No. And you could see it was drizzling a
7 little bit, about 57 degrees, I think, is what I
8 documented. So it was a little chilly.

9 Q And that's the yellow crime scene tape that
10 was up before you got there?

11 A Before I arrived, that's correct.

12 Q When you were documenting the outside of the
13 crime scene, did you -- I notice you took a picture
14 of -- this is the gate to the backyard, correct?
15 Exhibit No. 10?

16 A Yes. This is from the interior from the
17 backyard showing the lock on the -- on the side gate.

18 Q And did the gate appear to be secure?

19 A Yes, it was.

20 Q Was there any sign that it was broken in to?

21 A No.

22 Q And in Exhibit No. 12, I'm showing the door
23 frame. Did it appear that there was any damage to
24 the door frame?

25 A There's no damage. It was in tact. There

1 was no cracks in the -- any of the latches or
2 anything.

3 Q So it certainly didn't appear that anybody
4 kicked in the door?

5 A No.

6 Q And Exhibit No. 13, what you're pointing to
7 there, is that the keypad to open the garage?

8 A It is. It was on the -- on the left side as
9 you face the house.

10 Q And in Exhibit 14, did the garage door
11 itself appear to have any damage to it as if it were
12 broken into or anything?

13 A No, it did not.

14 Q State's Exhibit 16, it even appears that
15 Ms. Scott was defrosting some chicken for dinner that
16 night --

17 A Yes.

18 Q -- is that right?

19 A There -- it was still cold.

20 Q Now, on the video we were able to see where
21 you could film from the door that opened into the
22 garage. And Exhibit No. 17, is that a depiction
23 of -- on the left there's a door to the house, and
24 what we're seeing is, when you first walk into the
25 garage from the house?

1 A That's correct. To the left is the -- is
2 the opening to the house, to the foyer. Right across
3 there is -- is the kitchen. And the house faces
4 north. And when you walk in -- to the south, the
5 garage door is on the right, and that's what you're
6 looking at, a portion of the garage door and the --
7 and the garage, of course.

8 Q And Exhibit No. 18 is a little bit more of a
9 broad view of that?

10 A That's right. Here I'm probably stepping
11 back into the -- into the house, into the foyer and
12 taking a picture from there into the garage.

13 Q Now, in State's Exhibit No. 16, can you see
14 the area where the shell casing was recovered?

15 A Yes.

16 Q Okay. Describe where that area is?

17 A It is at that -- just inches to the east of
18 that left tennis shoe, the toe area.

19 Q And a little bit better view, that's the
20 tennis shoe you're talking about, right?

21 A That's correct.

22 Q And can you see the shell casing in State's
23 Exhibit No. 19?

24 A I can.

25 MS. DEANGELO: May I approach the

1 witness, Your Honor?

2 THE COURT: You may.

3 Q (By Ms. Deangelo) I'm showing you what has
4 been marked for identification as State's Exhibit
5 No. 34. Do you recognize that?

6 A I do.

7 Q How do you recognize it?

8 A This is -- it's got my initials on it, the
9 packaging.

10 Q Okay. Is that the shell casing that you
11 recovered from Ms. Scott's garage on January 15th of
12 2011?

13 A Yes, it is.

14 Q And once you recovered that shell casing,
15 did you secure it in an evidence envelope?

16 A I did.

17 Q And you said those were your initials on it?

18 A Yes.

19 Q And does it appear that it was tampered with
20 in any way?

21 A No.

22 MS. DEANGELO: Your Honor, at this time
23 we offer State's Exhibit No. 34 into evidence.

24 MR. VILLARREAL: No objection, Your
25 Honor.

1 THE COURT: State's 34 is admitted.

2 (State's Exhibit No. 34 was admitted.)

3 Q (By Ms. Deangelo) And Deputy, can you tell
4 us what caliber this shell casing is?

5 A It's a .25 caliber Winchester make.

6 Q And how can you tell that?

7 A It's on the head stamp of the casing.

8 Q Okay. And were any other shell casings
9 recovered?

10 A No.

11 Q When you searched the garage, did you find a
12 weapon?

13 A I did not.

14 Q Anywhere in the house did you find a weapon
15 where that shell casing could have come from?

16 A No.

17 Q In State's -- in State's Exhibit No. 20, is
18 that how Ms. Scott's body appeared when you first
19 documented the crime scene?

20 A Yes.

21 Q What are these blue and white sticky things
22 on her body?

23 A Those are EKC pads that EMS places on there
24 to try to get a heart beat to see if there's any
25 life.

1 Q So, of course, they had worked on
2 Ms. Scott's body before you got there?

3 A They hadn't moved her, they just put those
4 pads on there and hooked her up to a monitor and
5 confirmed that she was deceased.

6 Q And did she appear to have been shot where
7 her body was lying?

8 A Yes.

9 Q What makes you say that?

10 A Well, the pool of blood that was under her
11 wasn't -- there wasn't blood anywhere else in the
12 location of where she was shot.

13 Q And when you say there wasn't blood anywhere
14 else, do you mean in the garage or in the house?

15 A That's right.

16 Q Now, were you able to actually see that it
17 was a gunshot wound?

18 A Well, we could see a defect there.
19 That's -- those are the hands of the medical
20 examiner's investigator. You know, we could see
21 there was a -- a defect there, and we assumed that
22 that's where the -- the entry had -- had been made
23 from the gunshot.

24 Q So it appears in State's Exhibit No. 21 that
25 that depicts an entrance wound for a single gunshot?

1 A That's correct. Right at the corner of the
2 eye there.

3 Q And in State's Exhibit No. 22, it looks like
4 you photographed some marks on Ms. Scott's hand?

5 A I did.

6 Q Okay. And was there any significance to
7 that at the time?

8 A No. Depending on the caliber and the
9 location, there's going to be some blood spatter, and
10 that's just an example of some of it. And I think
11 some of those are also some abrasions that were just
12 on her finger.

13 Q Did you notice any other wounds to
14 Ms. Scott?

15 A I did not.

16 Q In State's Exhibit No. 26, what is that
17 black thing on the floor?

18 A That's an electronic ankle monitor.

19 Q And is that the ankle monitor that you
20 mentioned that you were able to recover?

21 A I did recover it.

22 MS. DEANGELO: May I approach the
23 witness, Your Honor?

24 THE COURT: You may.

25 Q (By Ms. Deangelo) I'm showing you what's

1 been marked as State's Exhibit No. 35 and 35A, which
2 would have been a brown paper bag.

3 Do you recognize those items?

4 A I do.

5 Q Okay. Was State's Exhibit No. 35 the
6 electronic monitor that you recovered on that day?

7 A Yes, it is.

8 Q And when you recovered it, did you tag it
9 and document it in this bag marked as State's Exhibit
10 No. 35A.

11 A Yes, I did.

12 MS. DEANGELO: Your Honor, at this time
13 we offer State's Exhibit No. 35 into evidence.

14 THE COURT: All right.

15 MR. VILLARREAL: No objection to the
16 offer, Your Honor.

17 THE COURT: Thirty-five -- 35A --
18 strike that.

19 Thirty-five is admitted.

20 (State's Exhibit No. 35 was admitted.)

21 Q (By Ms. Deangelo) And did it appear to you,
22 Deputy, that this electronic monitor had been cut
23 off --

24 A Yes.

25 Q -- of somebody's ankle?

1 A Yes, it was -- I don't believe they're like
2 that. Someone had cut through the strap part.

3 Q And in State's Exhibit No. 47, it appears
4 to be a dresser. Did that appear to be a man's
5 dresser?

6 A Yes. That was on the -- on the east side of
7 the room, appeared to be male type items. On the
8 west side of the room were mostly female items.

9 Q And next to the dresser there's a blue
10 towel. Do you recognize what that is?

11 A I do.

12 Q What is it?

13 A It's a -- it's the electronic monitor that
14 goes with this ankle bracelet.

15 Q And is that better depicted in State's
16 Exhibit No. 28?

17 A Yes.

18 Q So that was found next to what appeared to
19 be a man's dresser?

20 A That's correct.

21 Q Now, you mentioned that other than
22 documenting the crime scene itself, you also examined
23 the vehicle that was recovered?

24 A That's correct. The vehicle was recovered
25 and on Monday I had an opportunity to look at it.

1 Q And do you recall what kind of vehicle it
2 was?

3 A It was a Chevy Camaro, red in color.

4 Q And where did you examine it?

5 A It was towed to our auto theft office that
6 we commonly use to process stolen recovery cars and
7 evidence cars there.

8 Q And when you processed the vehicle, you take
9 pictures documenting the condition, correct?

10 A That's correct.

11 Q And State's Exhibit No. 29 shows the front
12 view of that Camaro?

13 A That's correct.

14 Q Did there appear to be any damage to you?

15 A No.

16 Q And State's -- State's Exhibit No. 30 is a
17 side view of the Camaro. Did you see any damage
18 there?

19 A No.

20 Q State's Exhibit No. 31, a rear view. Did
21 you notice any damage to the rear of the vehicle?

22 A I did not.

23 Q Did it appear that the vehicle had been in
24 any sort of accident?

25 A No.

1 Q State's Exhibit No. 32, the interior of the
2 vehicle, did you examine the entire interior?

3 A I did.

4 Q Did you notice any blood inside the vehicle?

5 A No.

6 Q Did it appear to you that any part of the
7 shooting or crime took place inside the vehicle?

8 A No.

9 Q And finally, in State's Exhibit No. 33, what
10 is that?

11 A That's a picture I took of the ignition
12 switch showing it was intact and -- and hadn't been
13 tampered with.

14 Q And when you say "tampered with," sometimes
15 when cars are stolen the ignition is popped.

16 A It's popped. The column is busted, the
17 keyhole will be enlarged.

18 Q But you didn't see any signs of that in this
19 case?

20 A No.

21 Q Based on your examination of the vehicle,
22 was there anything of evidentiary value as far as you
23 were concerned?

24 A No. It was not any firearms evidence or
25 anything that -- that was of value.

1 Q And when you were examining the vehicle, was
2 it your understanding that both Ms. Scott and her
3 boyfriend had used the vehicle?

4 A That was my understanding, that they both
5 had -- would use the vehicle off and on.

6 Q Once you processed the crime scene and
7 Ms. Scott's car, did you have any further involvement
8 in the case?

9 A No, I did not.

10 Q Did you notice any cigarettes in the car
11 there?

12 A There was a unsmoked Newport brand cigarette
13 underneath the driver's seat.

14 Q Okay. And when you recovered the electronic
15 monitor, did it say anything?

16 A The -- the monitor does not, that we have
17 here, but the -- the unit that is at the residence
18 was displaying monitor gone, I believe, or bracelet
19 gone, bracelet gone, and it was -- that was the
20 beeping noise that you would hear in the video too.
21 It would beep every few seconds.

22 Q So you could actually hear the beeping from
23 the sort of docking station in the video?

24 A That's right.

25 Q And obviously you could hear it the whole

1 time you were trying to film?

2 A Yes.

3 Q Was it loud?

4 A Yes.

5 Q Did you find any particular brand of
6 cigarettes inside the home?

7 A I did.

8 Q What brand was that?

9 A Misty and Newport.

10 Q Okay. Where were the Newport ones found?

11 A The New -- the Newports were found -- the
12 smoked butts of the Newport were found in the ashtray
13 on the -- on the right side, as you're facing the
14 garage. So they're further away from the door. And
15 then closest to the door on that half of the ashtray
16 were mostly three -- there were three Misty cigarette
17 butts there.

18 MS. DEANGELO: We'll pass the witness,
19 Your Honor.

20 THE COURT: All right. Any questions?

21 MR. VILLARREAL: Yes, sir.

22 THE COURT: You may proceed.

23 **CROSS-EXAMINATION**

24 BY MR. VILLIAREAL:

25

1 Q Now, you described the overall appearance of
2 the house as being neat and orderly; is that correct?

3 A Yes.

4 Q And I think that you also -- when you were
5 checking the bedroom and I noticed the jury saw some
6 of that on the -- on your video, you mentioned the
7 jewelry armoire; is that correct?

8 A That's correct.

9 Q And there was jewelry in the armoire; is
10 that correct?

11 A There was.

12 Q You didn't see any items thrown around or
13 like they had ransacked the jewelry armoire
14 consistent with a robbery or burglary; is that
15 correct?

16 A Did not appear that way to me.

17 Q Now, you mentioned that you examined the
18 car; is that correct?

19 A I did.

20 Q Once the car was located; is that correct?

21 A Yes.

22 Q And -- but you did something more than that
23 with the car, did you not? I mean, you ended up
24 taking some DNA swabs of that car, did you not?

25 A I did.

1 Q And do you know when you did that?

2 A That would -- that same day when I processed
3 it. That's a part of routine, we swab several areas
4 in the car.

5 Q And what parts of the car did you do swabs
6 on?

7 A Typically it's the steering wheel, the gear
8 shifter, the driver's door handle, passenger door
9 handle.

10 Q And when you're saying swabs, you're talking
11 about those Q-tip cotton swabs that people are
12 familiar with to do their ears or whatever for
13 hygienic purposes?

14 A That's correct. They're a little bit longer
15 than regular cotton swabs. And we use deionized
16 ultra filtrated water, which is just very clean
17 water, and you -- you moisten that. And then you
18 swab the area. You don't see any -- there's nothing
19 there as far as blood, but you're swabbing for what
20 might be their sweat, skin cells, something -- the
21 DNA actually.

22 Q So you did that on the steering wheel; is
23 that correct?

24 A That's correct.

25 Q Did that on the gear shifter?

1 A I did.

2 Q Did that on the driver's seat belt latch; is
3 that correct?

4 A I did.

5 Q And I guess the idea was to see if you could
6 get any DNA input, the last driver was perhaps of
7 that car; is that correct?

8 A That's correct.

9 Q Did you yourself get the DNA results on
10 that?

11 A I submitted those to the medical examiner's
12 office, and I don't remember even receiving results
13 on that -- back on that.

14 Q Okay. Now, I notice that in the photograph
15 of Ms. Scott, there seems to be like her hands are
16 bagged up. Did you do that?

17 A No. That was the medical examiner
18 investigator once the -- she was also in a bag at
19 that point, in the body bag.

20 Q And you're doing that for what purposes, do
21 you know?

22 A Yes, they do that -- we used to do it but
23 now they do it, and that's to preserve any type of
24 evidence that might be underneath the fingernails or
25 any kind of gunshot residue that might be on her

1 hands.

2 Q When you say gunshot residue, you're
3 saying -- you're saying consistent with someone
4 either being in the line of fire and receiving guns,
5 gunshot residue or maybe shooting a weapon; is that
6 correct?

7 A That's correct.

8 Q And you did not do any swabs of that -- her
9 hands yourself; is that correct?

10 A No, they do it during the autopsy.

11 Q Now, you mentioned that when you got to the
12 house -- did you, yourself, do any kind of swabs as
13 far as the door knob to get into the house?

14 A No.

15 Q And did you recall finding the keys to the
16 house anywhere on Ms. Scott or located within the
17 house?

18 A When I arrived, I -- my understanding was
19 the door was open. I don't know how they found it,
20 but it was open for me.

21 Q So you -- when you got there, you don't know
22 who opened that door; is that correct?

23 A That's right, I do not.

24 Q You do -- you were aware that some people
25 had come in and out of the house before you got

1 there?

2 A Well, I know that she had to be found and
3 also that EMS had been there.

4 Q Were you aware that Mr. Hintz had gone in
5 there, a non police officer?

6 A I don't know who that is.

7 Q Okay. So you don't know what civilians had
8 gone into the house; is that correct?

9 A I don't, not before I got there.

10 Q Okay. And you don't know what they opened
11 or not before you got there; is that correct?

12 A That's right.

13 Q And you said there were other police
14 officers there at the scene --

15 A Yes.

16 Q -- is that correct?

17 And you yourself did not know what
18 doors or what they had done before you got there; is
19 that correct?

20 A Well, they -- they know not to touch
21 anything. They -- you know, but I don't -- I don't
22 know if they did.

23 Q But you said the door was partially open; is
24 that correct?

25 A No, I said it was unlocked. I don't know if

1 they found it open or if they got a key from a
2 neighbor. I don't know how that gained entry.

3 Q So the front door was unlocked when you got
4 there?

5 A When I got there, there was -- that's right,
6 it was unlocked. It was closed but it was unlocked.

7 Q Now, what about the garage door?

8 A It was down just like it's in the
9 photographs.

10 Q So the garage door was open when you got
11 there too; is that correct -- I'm sorry, excuse me.
12 Let me rephrase that.

13 I'm talking about the interior door
14 between the, I guess, the kitchen and the garage.
15 Was that door open or not?

16 A Yes, it was open.

17 Q Did you do any kind of swabs on the interior
18 or exterior of that interior door between the kitchen
19 and the garage?

20 A No.

21 Q In reference to the interior door knob of
22 the house, did you do any kind of swabs as far as the
23 interior door portion of the front door of the house?

24 A No.

25 Q Now, at this point you indicated you're just

1 investigating the scene; is that correct?

2 A That's correct.

3 Q You have not formed any conclusions as to
4 you know who did this crime; is that correct?

5 A No.

6 Q You're just processing the scene to see what
7 evidence of value might be there; is that correct?

8 A That's correct.

9 Q And you're submitting the results of your
10 examination, I'm assuming, to I guess a homicide
11 investigator or anyone else that is interested in
12 your report; is that correct?

13 A That's right.

14 Q Now, do I understand correctly that you were
15 not involved yourself in the arrest of Mr. Shaw; is
16 that correct?

17 A That's correct, I was not.

18 Q And you were not called in to take any kind
19 of swabs on his hands; is that correct?

20 A No, I was not.

21 Q Gun residue or fingernail scrapings or
22 anything like that --

23 A No, I --

24 Q -- is that correct?

25 A I -- not me personally, I didn't do that.

1 Q But any -- any officer or any homicide
2 investigator involved in this case, I think it was
3 Officer Alanis would be aware that you had been the
4 primary crime scene unit officer there at the scene;
5 is that correct?

6 A Yes.

7 MR. VILLARREAL: I don't have any
8 further questions, Your Honor.

9 THE COURT: Anything else?

10 MS. DEANGELO: Yes, Your Honor.

11 **REDIRECT EXAMINATION**

12 BY MS. DEANGELO:

13 Q As a crime scene unit, is it safe to assume
14 that you're almost never the first officer on the
15 scene?

16 A That's correct. We're always way down,
17 sometimes hours afterwards.

18 Q So there's always other officers who have
19 either responded to the scene, secured the scene,
20 walked through the scene before you get there,
21 correct?

22 A And -- and almost every time EMS also.

23 Q Okay. So by the time you get there, someone
24 as ascertained that there's some sort of crime,
25 correct?

1 A Someone, yes.

2 Q And that there's some evidence that needs to
3 be documented?

4 A That's right. The homicide -- when we
5 arrive, like I said, they brief us on what they've
6 found and what they -- and then they might direct us,
7 hey, there's that there, there's this here, there's
8 that there. And, you know, we also -- after it's
9 documented, we'll also go through and look for
10 additional items along with them. But they're always
11 with us and we're with them.

12 Q And is it ever your job to interview any
13 witnesses who are at the scene?

14 A No.

15 Q When you went through this residence, did it
16 appear to you that there was any sort of struggle in
17 the residence?

18 A No.

19 Q Did it appear that anybody had been in the
20 residence that didn't belong there?

21 A The only thing -- the only thing that --
22 that was -- there were some papers on the bed in the
23 master bedroom that were shuffled, and I think there
24 was one drawer that was open and one closed drawer.
25 But other than that, the house was generally pretty

1 neat and orderly and things were in place.

2 Q Did it appear to you that, in the master
3 bedroom, that it could be described as being maybe
4 rummaged through as far as the closet or the drawers,
5 the papers?

6 A The papers on the bed and stuff, yes.
7 The -- as far as like the master bedroom closet,
8 they -- she had a lot of clothes, a lot of shoes,
9 lots of purses and stuff. And they were -- they were
10 stacked in different areas. But they were there
11 purposely put there. They weren't thrown.

12 Q Were there any signs to you whatsoever that
13 the home had been broken in to?

14 A No, absolutely not.

15 Q Any signs that the car had been broken in
16 to?

17 A No, absolutely not.

18 MS. DEANGELO: We'll pass the witness,
19 Your Honor.

20 THE COURT: All right.

21 **RE-CROSS-EXAMINATION**

22 BY MR. VILLIAREAL:

23 Q If I understand correctly, when you got
24 there, the garage door was opened or closed?

25 A The garage door that allows the vehicles in

1 was down.

2 Q Was down when you got there; is that
3 correct?

4 A Yes, sir. That's correct.

5 Q And you're saying that when you got there,
6 at least, the garage door is closed; is that correct?

7 A That's correct.

8 Q And the front door is unlocked; is that
9 correct?

10 A Yes.

11 Q Now, it's also fair to say that, if the
12 scene has been contaminated, it was contaminated
13 before you got there; is that correct?

14 A Yes.

15 Q And all you do is try to preserve it the
16 best you can once you're there; is that correct?

17 A That's correct.

18 Q And try to get whatever things of
19 evidentiary value may be there; is that correct?

20 A That's correct.

21 Q And if I also understand correctly, was the
22 homicide investigator, Officer Alanis there?

23 A Alanis was there, there was another homicide
24 there, and I think later a third investigator
25 arrived.

1 Q And those officers there can ask you -- can
2 ask of you to take DNA swabs of this or that; is that
3 correct?

4 A Yes.

5 Q And as the crime scene unit investigator,
6 you will follow whatever they think may be of value,
7 is that correct, to their investigation?

8 A That's correct.

9 Q You don't quarrel with them, you just do as
10 they ask you; is that correct?

11 A That's right.

12 MR. VILLARREAL: I don't have any
13 further questions, Your Honor.

14 THE COURT: Anything else?

15 MS. DEANGELO: No, Your Honor.

16 THE COURT: May this witness be
17 excused?

18 MS. DEANGELO: Yes, Your Honor.

19 THE COURT: Any objection?

20 MR. VILLARREAL: No objection.

21 THE COURT: All right. Thank you,
22 Officer Noguera.

23 THE WITNESS: Thank you.

24 What says the State?

25 MS. BENAVIDES: Your Honor, may we

1 approach?

2 THE COURT: Approach.

3 The rule has been invoked, you know
4 what that means, right?

5 THE WITNESS: Yes.

6 THE COURT: All right. Thanks.

7 (Bench Conference.)

8 MS. BENAVIDES: Judge, since it's about
9 4:30, I was wondering if we could shut down for the
10 day and we could start tomorrow. I have the deputy
11 and the -- and the ME tomorrow. So --

12 THE COURT: The ex-wife.

13 MS. BENAVIDES: Yes. And the ex-wife,
14 so it should be about four witnesses tomorrow.

15 THE COURT: That's fine.

16 (Bench Conference Concluded.)

17 THE COURT: All right. Members of the
18 jury, you've heard all the evidence you're going to
19 hear today. We're going to resume this trial
20 tomorrow at 10:30 -- 10:30. So we'll be here at
21 10:30 tomorrow morning. We'll start as soon as we
22 can and we'll finish up about the same time we did
23 today. That will make it just Tuesday. There's a
24 chance we could be done by Thursday, so...

25 Remember the instructions I gave you.

1 Do not discuss the case at all. Do not make any
2 scene investigations. Don't Google any kind of
3 information about maps, locations, people, places, or
4 things or issues in the case. Don't read any
5 accounts in the newspaper, if any. Don't look for
6 any accounts. If it comes on TV or radio, turn the
7 channel, turn the page, turn the audio down. Just
8 have a good evening. We'll see you tomorrow.

9 THE BAILIFF: All rise and come this
10 way, please.

11 THE COURT: 10:30 tomorrow.

12 (Jury exits courtroom.)

13 THE COURT: Be seated please. Be ready
14 by 10:15, both sides.

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