

1 I think you'll be able to hear better now.
2 We worked on the microphones during the break.

3 You may proceed.

4 MS. ASSAAD: Thank you, Your Honor.

5 **ANGELICA NOYOLA,**

6 having been called as a witness and being first duly
7 sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MS. ASSAAD:**

10 Q. Would you please introduce yourself for the
11 record?

12 A. My name is Angelica Noyola.

13 Q. Where are you employed?

14 A. I'm employed with the Houston Forensic Science
15 Center.

16 Q. What is your educational background?

17 A. I have a bachelor's in biochemistry and
18 biophysical sciences from the University of Houston.
19 And I also have intensive training with the Houston
20 Forensic Science Center.

21 Q. And you said Houston police {sic}. What is the
22 other name that is the Houston Forensic Science Center?

23 A. Right. Since April of 2014 -- before that we
24 were City of Houston or City of Houston Police
25 Department Crime Lab, but after April of 2014, last

1 year, we are now managed under the Houston Forensic
2 Science Center, LGC.

3 Q. How long have you been employed with Houston
4 Forensic Science Center or HPD Crime Lab?

5 A. Yes. I've been employed since February of
6 2009.

7 Q. What is your title at the Houston Forensic
8 Science Center?

9 A. I'm a forensic analyst.

10 Q. What are your duties?

11 A. My duties is, I analyze unknown substances for
12 the presence of controlled substances, and I am the
13 control substances section of the lab.

14 Q. Is that something you do every day?

15 A. Yes, I do.

16 Q. Is the lab where you work, is that lab
17 accredited?

18 A. Yes, it is.

19 Q. What does that mean?

20 A. That means we are allowed to do forensic
21 testing. We are accredited by Houston DPS -- I mean,
22 Texas Department of Public Safety, Texas DPS, and
23 ASCLD/LAB.

24 Q. In addition to your education, what specific
25 training have you had to identify unknown substances as

1 controlled substances?

2 A. Okay. Well, when I first started in the job, I
3 had a six-month intensive, I guess, training where I was
4 exposed to all of the universal techniques and
5 procedures. And, of course, over the course of my
6 employment, we do receive training on a regular basis.
7 So we are constantly being trained or exposed to -- if
8 there's anything new coming up, you know, we are allowed
9 to research on that and read articles.

10 Q. Have you testified as an expert before in
11 Harris County?

12 A. Yes, I have.

13 Q. On few or many occasions?

14 A. Many occasions.

15 Q. You referred to taking an unknown substance and
16 identifying whether there's a controlled substance
17 present. Is that possible?

18 A. Yes, it is possible.

19 Q. How is that done?

20 A. Well, what we do is, whenever the substance or
21 the evidence gets submitted to the lab, we are about to
22 analyze it, we do two types of tests on this unknown
23 substance before we can call it or make a report. We do
24 a presumptive test, which gives the analyst or the
25 chemist, me, an idea of what the substance would be.

1 And then we do a confirmatory test, which is a specific
2 test where the substance gets exposed and we can then
3 identify the substance or the controlled substance
4 present, if any.

5 Q. And what -- how do you ensure that evidence
6 that you receive is properly marked and cared for for
7 chain of custody?

8 A. Can you repeat your question?

9 Q. Do you -- is there a certain number that you
10 put on your report and the evidence that you look at?

11 A. Right. So when our supervisor or manager hands
12 out our evidence file, there is a submission form
13 submitted by the officer. And then once we retrieve the
14 evidence, the evidence has this unique identifying
15 number, as well as the file. We make sure that the
16 evidence that we're about to open corresponds to this
17 number that's on our submission form and on the folder,
18 and make sure it hasn't been tampered with. And so
19 that's how we ensure, by the unique identifier, which is
20 the number on the label, which is the same number that's
21 also on the envelope.

22 MS. ASSAAD: May I approach the witness?

23 THE COURT: You may.

24 Q. (By Ms. Assaad) I'm showing you what has been
25 marked as State's Exhibit 11 and State's Exhibit 14.

1 Are you familiar with these pieces of evidence
2 (indicating)?

3 A. Yes, I am.

4 Q. Do you make any kind of markings on 11 and 14
5 when you come into contact with them?

6 A. Yes. When I seal my evidence, which is at the
7 end of the analysis, I seal it with this red tape and I
8 write the date that it was sealed and my handwritten
9 initials, as well as on the evidence itself or on the
10 envelope. These are my handwritten initials as well.

11 Q. Flipping 11 and 14 over, is there a different
12 seal on this evidence (indicating)?

13 A. The only seal that I can see, which is on
14 State's Exhibit 14, sealed is the red tape that I myself
15 placed with the date, my handwritten initials again.

16 Q. Is there another piece of clear tape on the
17 evidence bag?

18 A. Yes, there is.

19 Q. And when you receive evidence in this way, do
20 you open the tape that is already on the bag with
21 someone's initials already?

22 A. No. Usually we try to slash the envelope where
23 there's no marking. In this case, I decided to do it in
24 the front part. In this case, in the front and back.
25 So we try to avoid -- to cut where there's already a

1 marking or somebody else's initials.

2 Q. Will you please pull out the contents of each
3 evidence bag or remove them from the bag, please?

4 A. (Witness complies.)

5 In our job, we always have gloves to try
6 not to -- especially with the contents.

7 Q. And do you see the seals on these items?

8 A. Yes.

9 Q. These are State's Exhibits 12 and 13 that I'm
10 holding. Are these two red seals, seals from your lab
11 (indicating)?

12 A. Yes.

13 Q. Do you also see your initials on those?

14 A. Yes.

15 Q. What is the number that is next to your
16 initials?

17 A. This one (indicating)?

18 Q. Yes, ma'am.

19 A. That is the date that I sealed it.

20 Q. What is that date?

21 A. Oh. July 9th, 2014.

22 Q. Is that the same date that is written on the
23 evidence envelope?

24 A. Yes, it is.

25 Q. And what is the number that you have that

1 corresponds with your report?

2 A. As far as the --

3 Q. The nine-digit unique identifier.

4 A. It's 039205614.

5 Q. Is that the same number that is on each
6 evidence bag, State's Exhibits 11 and 14?

7 A. Okay. This number is called the incident
8 number, which is the same one on State's Exhibits 14 and
9 11, but the number that I wrote on the packaging myself
10 and on the evidence itself is the forensic case number,
11 which starts with "2014" and it's followed by a
12 five-digit number. But in our system, these numbers are
13 linked together. So we can use the incident number or
14 forensic case number.

15 Q. And is the forensic case number something that
16 is unique to your lab?

17 A. Yes, it is, and to the specific evidence.

18 Q. Is that located here on the evidence
19 (indicating)?

20 A. Yes, it is.

21 Q. And here on this evidence (indicating)?

22 A. Yes, it is.

23 Q. And there as well (indicating)?

24 A. Yes. It's the forensic case number.

25 Q. So you see it on the five pieces of evidence

1 that were taken out of the evidence envelopes?

2 A. Yes.

3 Q. Is this evidence in substantially similar
4 condition that it was in when you tested it?

5 A. Yes.

6 Q. In this particular case, were you asked to
7 determine what these unknown substances were?

8 A. Well, whenever I open the evidence -- or the
9 envelope and retrieve the contents of the envelope, we
10 look at the charges that they've been charged with and
11 then we -- you know, we can then approach to what
12 substance can get analyzed or is allowed to get analyzed
13 or is able to get analyzed.

14 Q. What is the first step that you do when you
15 receive an evidence envelope?

16 A. Right. On a general basis, I first make a
17 description of all the items that I find in the envelope
18 or that I retrieve from the envelope. And then once I
19 make a description of the items, I then go into which
20 items I'm going to analyze. And then from there, I take
21 a weight of the substance. Once the net weight gets
22 recorded, then I proceed with the analysis.

23 Q. What was the description that you wrote down in
24 this case?

25 A. For which items? For all of them?

1 Q. Yes, ma'am.

2 A. Okay. So for Item 1, so I found a zip-lock and
3 it says one green gummy-like substance. That's how I
4 described it. And then 1.1.2, which is the other item,
5 I described it as four green gummy-like substance. And
6 then there is a zip-lock with two zip-locks, each
7 containing plant substance. And then there is a zipper
8 case with a digital scale. This is the zipper case
9 (indicating), and then with a scale inside, which
10 contains plant residue. And that's State's Exhibit 14.

11 And then for State's Exhibit 11, which is
12 Item 2, there is the envelope. So sealed evidence
13 envelope containing -- there is a cigarette box
14 containing residue and then there is a zip-lock that
15 contains three white tablets, and then 12 tablet white
16 pieces. So in this case, there was three full tablets.
17 I was able to identify the logo. The rest are little
18 pieces, so I separate those in a separate item.

19 Q. And based on your review of the evidence in
20 front of you, are you confident that this is the same
21 evidence that you have tested for Lawrence Glover's
22 case, the evidence that you see in the courtroom today?

23 A. Right. According to the incident number,
24 forensic case number, my initials, and the report, yes.

25 MS. ASSAAD: State offers Exhibit 11

1 through 17 into evidence and tenders to opposing counsel
2 for objections.

3 **(State's Exhibit Nos. 11 through 17**
4 **Offered)**

5 MR. GODINICH: No objections.

6 THE COURT: State's Exhibits 11 through 17
7 are admitted.

8 **(State's Exhibit Nos. 11 through 17**
9 **Admitted)**

10 Q. (By Ms. Assaad) And Ms. Noyola, what did you
11 end up testing in this case?

12 A. Okay. So I ended up testing Item 1 in my
13 report. My description, Items 1.1 and 1.2, which in
14 this case is the one green gummy-like substance. And
15 then -- that's 1.1.1. And then 1.1.2, four green
16 gummy-like substance. For Item -- and also Item 1.2,
17 which is the two zip-locks, each with plant substance.

18 And I also analyzed Item 2. In my case,
19 2.1, which is the cigarette box with discolored residue.
20 So those four items were analyzed.

21 Q. So you said gummy-like substances, which is
22 State's Exhibit 15.

23 A. Okay.

24 Q. This kind of green gummy-like substance
25 (indicating)?

1 A. Yes, that one.

2 Q. And State's Exhibit 16 --

3 A. Yes.

4 Q. -- which is the green leafy substance?

5 A. Yes, the plant substance.

6 Q. And then State's Exhibit 13, which is the
7 cigarette container?

8 A. Yeah, with the discolored residue.

9 Q. Is that all?

10 A. And also 2.1 -- oh, that's it. That's it, yes.

11 Q. The methods that you used to identify the
12 substances for the presence of a controlled substance,
13 are those scientific methods generally accepted in the
14 scientific community?

15 A. Yes, they are.

16 Q. And have they been peer-reviewed?

17 A. Yes. My case was peer-reviewed by other
18 analysts, which means that once the analysis is
19 completed and the report is generated, another analyst
20 gets to see the report and make sure that there's, for
21 example, on the report, no grammatical errors. And the
22 other analyst also gets to see all the data sheets and
23 analysis just to make sure that all standard operating
24 procedures were followed. It's like a second set of
25 eyes that gets to see the report.

1 Q. And the instruments that you use when you
2 implement this method to determine the presence of
3 controlled substance, are those instruments regularly
4 checked for accuracy?

5 A. Yes, they are.

6 Q. What were the results of your analyses?

7 A. Okay. For Item 1.1.1 and 1.1.2, which is
8 State's Exhibit 15, that one contains psilocin, those
9 two. My Item 1.2, which is State's Exhibit -- that one
10 is marijuana. And my Item 2.1, which is State's
11 Exhibit 13, that one contains phencyclidine.

12 Q. Did you also weigh the substances?

13 A. Yes.

14 Q. What were the corresponding weights?

15 A. Okay. For 1.1.1, it weighed .27 grams.

16 Q. And is that the --

17 A. That's net weight. That's the substance by
18 itself without any packaging, anything. Just the
19 substance. That is called net weight.

20 And 1.1.2, which is State's Exhibit 15. So
21 1.1.1 and 1.1.2 is State's Exhibit 15. The four green
22 gummy-like substance, that weighed 1.36 grams. And that
23 also contains psilocin. Item 1.2, which is State's
24 Exhibit -- that one weighs 0.3 ounces -- 0.23 ounces,
25 and that is marijuana. And Item 2.1, which is State's

1 Exhibit 13, that one is a trace amount. That means I
2 was not able to get any weight recorded. I mean,
3 there's only a residue amount or residual amount of that
4 substance. And that one is trace for a net weight. And
5 that one contains phencyclidine.

6 Q. Once you have conducted an analysis, do you
7 prepare a lab report?

8 A. Yes.

9 Q. And is that a lab report that you prepare near
10 the time that you conduct that analysis?

11 A. Yes.

12 Q. And is that something that you have control
13 over at your lab? You have access to that report?

14 A. Yes.

15 Q. Is that a report that could be altered by
16 another person or that could be tampered with?

17 A. No. Once I do my review, the other analyst
18 tech reviews the case. And once she makes sure that
19 everything is okay -- in this case, it was my
20 supervisor -- she signs it. There's an electronic
21 signature. Once it's signed, nobody else can go into
22 the report and make any modifications. It gets locked
23 out. So in the event we were to make, let's say, an
24 additional analysis on this case on something that I had
25 retained, we would have to generate another report.

1 Q. So that report is kept in the ordinary course
2 of business in your lab?

3 A. Yes.

4 Q. I'm showing you what's been marked State's
5 Exhibit 18. Do you recognize that report (indicating)?

6 A. Yes.

7 Q. Do you recognize the signature on it?

8 A. It's my signature. Yeah, it's a copy of the
9 original.

10 Q. Does that reflect the correct lab number in
11 this case that we're referring to?

12 A. Yes.

13 Q. And does that appear to be an accurate copy?

14 A. Yes, it's exactly a copy.

15 MS. ASSAAD: State offers State's
16 Exhibit 18 and tenders to opposing counsel for
17 objection.

18 **(State's Exhibit No. 18 Offered)**

19 MR. GODINICH: No objections, Your Honor.

20 THE COURT: State's Exhibit 18 is admitted.

21 **(State's Exhibit No. 18 Admitted)**

22 MS. ASSAAD: May I publish, Your Honor?

23 THE COURT: You may.

24 Q. (By Ms. Assaad) If you'd touch the bottom left
25 of your screen, please.

1 A. (Witness complies.)

2 Q. Thank you.

3 What is psilocin?

4 A. Psilocin is a hallucinating agent or a compound
5 or substance.

6 Q. Do you know a street name for that?

7 A. Not at the top of my head.

8 Q. Okay. So this 1.1.1 is a green gummy-like
9 substance and 1.1.2 is also a green gummy-like
10 substance. So would the total weight of that be
11 1.63 grams --

12 A. Yes.

13 Q. -- of psilocin?

14 A. Yes.

15 Q. And then the marijuana is the -- corresponds
16 with the plant substance that you have described here at
17 the top?

18 A. Yes.

19 Q. And that's .23 ounces as opposed to giving the
20 weight in grams?

21 A. Yes.

22 Q. And about how many grams are in an ounce?

23 A. 28.35 grams per ounce.

24 Q. And then finally, the trace amount of PCP that
25 is found in the cigarette box with the discolored

1 residue?

2 A. Yes.

3 MS. ASSAAD: Pass the witness.

4 **CROSS-EXAMINATION**

5 **BY MR. GODINICH:**

6 Q. Is it Ms. Noyola?

7 A. Noyola.

8 Q. Noyola?

9 A. Yes.

10 Q. Ms. Noyola, let me just ask you something.

11 When we're looking here at your lab report and the PCP,

12 the phencyclidine, are you telling this Court that

13 there's so little of it that you were not able to

14 actually weigh it to give it a weight?

15 A. That is correct.

16 MR. GODINICH: Okay. Pass this witness.

17 THE COURT: Anything further?

18 MS. ASSAAD: No, Your Honor.

19 THE COURT: May this witness be excused?

20 MS. ASSAAD: Yes, ma'am.

21 MR. GODINICH: Yes, Your Honor.

22 THE COURT: Thank you, ma'am. You may step

23 down and you're excused.

24 THE WITNESS: Thank you.

25 THE COURT: Call your next witness.