

1 (Open court, defendant present, no jury)

2 THE COURT: Okay. Well, we are regathered.
3 Officer Oliphant is still on the stand with the State
4 doing direct. When last we met, I think we were talking
5 about the scene diagram. So, anyway, go, Mr. Stayton.

6 MR. STAYTON: Thank you, sir.

7 **JASON OLIPHANT,**

8 having been first duly sworn, testified as follows:

9 **DIRECT EXAMINATION**

10 **CONT'D BY MR. STAYTON:**

11 Q. All right. Officer Oliphant, in front of you
12 are what's been marked and admitted into evidence as
13 State's Exhibits 51 and 51-B, the scene diagram and the
14 legend for that diagram. And then out here just in
15 front of us all -- I'll turn it so you can see it here,
16 too -- is State's 51-A, which is the enlarged
17 poster-board sized, same copy of State's Exhibit 51, the
18 scene exhibit. I want to ask you some questions about
19 that, sir, since you prepared it.

20 On the scene diagram, can you tell the
21 Court did you -- in preparation for making that diagram,
22 did you make note at the crime scene about the locations
23 of lighting in the parking lot and around that area?

24 A. Yes, I did.

25 Q. And how did you indicate on the scene diagram

1 where the lights were located?

2 A. As you can see, the circle with the -- I guess
3 it looks like a cross in it, those are indicators for
4 the -- the indicators I was using for the light poles.
5 And then I had the sign with the arrow pointing to it
6 for light.

7 Q. Okay. So, on State's Exhibit 51, and I'm
8 looking at 51-A here, also, but on that scene diagram,
9 how many circles with the X's or cross in the middle of
10 it indicating lighting did you -- did you observe and
11 place on the scene diagram?

12 A. There were three light poles with -- or poles
13 with lights on the top of them. So, there were three
14 lights in the parking lot.

15 Q. Okay. And then at the top of the scene diagram
16 there is a -- there are the compass directions with
17 north, south, east, and west. Is -- are those
18 directions, as they are depicted on the scene diagram
19 with west being to the left as you look at it, east to
20 the right, north to the top, and south to the bottom?

21 A. Yes, sir.

22 Q. Okay. And as part of your processing of the
23 scene, did you take any measurements?

24 A. Yes, I did.

25 Q. And I want to talk about those measurements and

1 specifically ask you: When you are making marks of --
2 or taking measurements at a scene, do you typically have
3 a reference point or a point of reference from which you
4 measure the distance to other significant items?

5 A. Yes.

6 Q. And what was your reference point in this crime
7 scene?

8 A. Do you have -- do you have one of those you can
9 put on the overhead and I can --

10 Q. Yes, I will do it right now, sir.

11 Now you're looking at what's been marked as
12 State's -- and admitted into evidence as State's Exhibit
13 No. 67. On that photograph, do you see the reference
14 point? And if you do, could you point it out or -- on
15 the screen to your left?

16 A. Okay. On the -- on the reference point, it's
17 going to be the northwest corner of the building, which
18 can be indicated right here (indicating). So, that's
19 going to be the corner. And the reference point will be
20 the point that all objects on the scene are measured
21 from so we can get a correlation of evidence and the
22 body within the scene.

23 Q. All right. And you cleared that out. That's
24 good.

25 I'm going to show you, also, just one other

1 photograph, State's Exhibit No. 53. I'm sorry. Let me
2 get it a little bit closer for you.

3 Do you also see in State's Exhibit 53 where
4 that reference point is?

5 A. Yes, right there (indicating).

6 Q. Okay. As you said, the north --

7 A. Northwest corner of the building.

8 Q. Okay. All right. So, that being your
9 reference point, did you take measurements from there
10 to -- I want to ask you about three separate
11 measurements. Okay?

12 A. Okay.

13 Q. One I want to ask you about is -- or two of
14 them would be to the two evidence markers.

15 A. Okay.

16 Q. And can you first talk about the measurement
17 from the reference point to Evidence Marker No. 1, which
18 I believe you testified to yesterday was the fired shell
19 casing?

20 A. Okay. Evidence Marker No. 1, which is the
21 casing, should be somewhere around there (indicating).
22 And it is going to be 9 -- 9 feet, 4 inches west of the
23 corner. So, it's on the west side of the building. So,
24 it's 9 feet, 4 inches west from the corner of the
25 building or the reference point (indicating).

1 Q. Okay. So, from the corner of this -- the
2 building that in the scene diagram has the numbers 3941
3 for the address of this location, correct?

4 A. That is correct.

5 Q. From that corner, how many feet to the west, or
6 to the left as we're looking at it --

7 A. Yes, sir.

8 Q. -- how many feet again?

9 A. Nine feet, four inches.

10 Q. Nine feet, four inches.

11 And then south from there, how many feet?

12 A. It's going to be 3-foot-5.

13 Q. Three-and-a-half -- or three feet and five
14 inches?

15 A. Three-and-a-half, three-and-a-half.

16 Q. Almost three-and-a-half. Three feet, five
17 inches south?

18 A. Yes.

19 Q. Okay. And that's where we see No. 1 indicated?

20 A. That is correct.

21 Q. And that's where -- that's the evidence marker
22 for the fired shell casing?

23 A. That is correct.

24 Q. And remember, sir, when I'm asking questions,
25 let me finish my question completely before you answer.

1 Thank you.

2 The measurements that you took to Evidence
3 Marker No. 2, can you talk about those, also, from the
4 reference point?

5 A. That one is going to be 17 feet, 10 inches west
6 from the reference point.

7 Q. And how many feet north?

8 A. That one was north -- it's going to be 4 feet
9 north of the reference point.

10 Q. Okay. And then I want to ask you about the
11 measurements from the reference point from the northwest
12 corner of that building to the body that you observed
13 and that we see in that photograph that's covered with
14 the sheet.

15 A. The -- I guess the body part I'll use is the
16 torso, which is going to be the mid-range body portion.
17 And that's going to be 30 feet, 9 inches west of the
18 reference point.

19 Q. And then either north or south of the reference
20 point, also, sir, how many feet?

21 A. That's going to be south, about 7 feet south of
22 the reference point.

23 Q. Were there any other objects that you measured
24 from that reference point included in your -- the scene
25 diagram?

1 A. Just there was some blood transfer on the
2 pavement. That's it.

3 Q. I'm showing you what's been marked and admitted
4 into evidence as State's Exhibit No. 70. Do you
5 recognize this photograph (indicating)?

6 A. Yes, sir.

7 Q. And was this, again, a photograph that you
8 took?

9 A. Yes, sir.

10 Q. And whose hands do we see in the blue gloves,
11 if you recall?

12 A. That's going to be Matt Doyle from the medical
13 examiner's office.

14 Q. And why did you take this photograph? What was
15 it meant to show?

16 A. Typically, the medical examiner, they have all
17 the rights to the body. And in part of their duties,
18 they also collect any property of value from a deceased
19 person. So, typically, we will photograph that just to
20 indicate what was removed from the deceased person's
21 clothing.

22 Q. And what -- in this photograph, what was -- if
23 you recall, what was documented in this photograph and
24 what did you observe being removed from the deceased's
25 pocket?

1 A. I think he's taking a wallet out of his back
2 pocket.

3 Q. I'm showing you now State's Exhibit 75, another
4 photograph that's already been admitted into evidence
5 that -- you yesterday testified that you took this
6 photograph as well. Do you remember taking this
7 photograph, sir (indicating)?

8 A. Yes, sir.

9 Q. And what are we looking at in State's Exhibit
10 75?

11 A. We are -- I took a photo of the identification
12 card that was in the wallet that was in the deceased
13 person's pocket.

14 Q. What is the name on that Texas identification
15 card?

16 A. Gerald Lynn Williams.

17 Q. And were you present at the time that this
18 Texas identification card was removed from the wallet as
19 well?

20 A. Yes, sir.

21 Q. And when you observed it, do you have an
22 opinion as to whether the individual named and pictured
23 on this Texas identification card was the same as the
24 individual that -- the deceased body?

25 A. On the scene or on scenes, we really don't know

1 because it hasn't been verified yet. But just for
2 evidentiary practice, we'll photograph any
3 identification cards we have on the scene, but...

4 Q. Did it appear to you to be the same person?

5 A. Yes.

6 MR. STAYTON: Pass the witness, Judge.

7 THE COURT: Mr. Wentz.

8 MR. WENTZ: May it please the Court?

9 THE COURT: Yes.

10 **CROSS-EXAMINATION**

11 **BY MR. WENTZ:**

12 Q. Good morning.

13 A. Good morning.

14 Q. I believe you and I spoke briefly this morning
15 already.

16 A. Yes, sir.

17 Q. I'm going to ask you to take a look at some
18 pictures from your work at the scene on -- or back in
19 2013.

20 Now, you've had occasion to look at State's
21 Exhibit 53 already this morning. And I believe that the
22 light that I am pointing to right here with my finger is
23 also -- is represented on your chart that is in front of
24 the Judge at this time (indicating). Is that correct?

25 A. Yes, sir.