

1 State, call your next witness.

2 MS. JOHNSON: State calls Officer Palatino.

3 THE COURT: Ladies and gentlemen, this
4 witness has previously been sworn.

5 Proceed.

6 **APRIL PALATINO,**
7 having been first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 BY MS. JOHNSON:

10 Q. Could you please introduce yourself to the
11 jury?

12 A. My name is April Palatino.

13 Q. And how are you employed?

14 A. I work for the Houston Police Department in the
15 crime scene unit.

16 Q. And can you tell us about the training and
17 background you have to do that work?

18 A. I trained on the job for about four months with
19 the crime scene unit with senior police officers already
20 assigned to the unit, learning how to do the job every
21 day side by side with them. In addition to that, I've
22 had in excess of 400 hours of classroom training on
23 various crime scene topics.

24 Q. And are you a licensed peace officer for the
25 State of Texas?

1 A. I am.

2 Q. How long have you been a licensed peace
3 officer?

4 A. Thirteen years now.

5 Q. And how long have you been in the crime scene?

6 A. Nine years.

7 Q. And what is your current assignment within the
8 crime scene unit?

9 A. I work over at the vehicle examination
10 building.

11 Q. Do you know the address of that?

12 A. It's 1305 Dart Street.

13 Q. What is the purpose of the vehicle examination
14 building?

15 A. Any vehicles used in high profile crimes are
16 towed over to the vehicle examination building. Myself
17 and one other crime scene unit work there, and we
18 process those cars for any evidence that the
19 investigator needs.

20 Q. When you say process the cars for evidence,
21 what kind of things are we talking about?

22 A. Every case is different. We do a variety of
23 things. Of course, we take pictures. We might look for
24 latent fingerprints, any articles in the vehicle
25 involved in a crime. We do trace evidence collection

1 such as hairs, fibers, look for semen, look for blood,
2 bullets, projectiles, just depends on what's going on in
3 the case.

4 Q. And did you have a chance to search some
5 vehicles related to a capital murder that happened at
6 5699 Beechnut, HPD Report No. 181795510?

7 A. Yes, ma'am.

8 Q. What was the first vehicle that you were
9 involved in searching?

10 A. The first vehicle in this case was a 2005 gray
11 Ford F-250 bearing Texas license plate AK04717.

12 Q. And what date did you search that vehicle on?

13 A. I'm sorry?

14 Q. What date did you search that vehicle on?

15 A. That was January the 4th, 2011.

16 Q. Were you aware at that time of what that
17 vehicle's relationship to the case was?

18 A. No, ma'am.

19 Q. Okay. I'm showing you State's Exhibit No. 28,
20 see if I can get the license plate to show, there we go.
21 Is that the same license plate of the vehicle you
22 searched?

23 A. Yes, ma'am.

24 Q. Okay. And what was your purpose in searching
25 this vehicle?

1 A. I was asked to search the exterior front of
2 that vehicle for fingerprints.

3 Q. For what purpose?

4 A. I guess to find somebody's fingerprint that
5 they hoped touched the car.

6 Q. Do you fingerprint every car that comes into
7 your building?

8 A. No.

9 Q. And who makes the request to fingerprint the
10 exterior of a vehicle?

11 A. The primary investigator assigned to the case.

12 Q. Did you find any fingerprints of value on the
13 exterior of this vehicle?

14 A. No, ma'am.

15 Q. And did you find any evidence of significance
16 on the inside of the vehicle?

17 A. I did not go inside the vehicle.

18 Q. So, you only searched the outside?

19 A. Yes, ma'am.

20 Q. Now, you did search a second vehicle in this
21 case; is that correct?

22 A. Yes, ma'am.

23 Q. And what was the second vehicle that you
24 searched?

25 A. Was a 2002 gray Ford Excursion bearing Texas

1 license plate 05 T as in Tom, Y as in Young, N as in
2 Nancy, 8.

3 Q. And was Sergeant Blain involved in that search
4 with you?

5 A. Yes.

6 MS. JOHNSON: May I approach the witness?

7 THE COURT: You may.

8 Q. (BY MS. JOHNSON) I'm going to show you State's
9 Exhibits 57 through 69. Can you please take a look at
10 these and tell me if you recognize them?

11 A. Yes, ma'am, these are the photos I took that
12 day.

13 Q. And do these fairly and accurately represent
14 the vehicle and the items you found in the vehicle when
15 you searched it?

16 A. Yes, ma'am.

17 MS. JOHNSON: At this time I'm tendering
18 State's 57 through 69 to Defense for inspection and ask
19 that they be admitted.

20 (State's Exhibit Nos. 57 through 69
21 offered.)

22 MR. ORTIZ: We have no objections to
23 State's 57 through 69.

24 THE COURT: State's Exhibits 57 through 69
25 are admitted.

1 (State's Exhibit Nos. 57 through 69
2 admitted.)

3 MS. JOHNSON: May I publish?

4 THE COURT: You may.

5 Q. (BY MS. JOHNSON) All right. So, the second
6 vehicle that you searched is this gray Ford Excursion,
7 correct, that we see here in 57?

8 A. Yes, ma'am.

9 Q. And 58 is documenting the license plate number
10 of that car?

11 A. Yes, ma'am.

12 Q. Now, in State's Exhibit 59, what do we see?

13 A. We're looking into that vehicle through the
14 exterior front driver's side door.

15 Q. Is that just kind of showing us what you can
16 see when you look directly into the vehicle?

17 A. Yes, ma'am.

18 Q. And is this the front of the same vehicle but
19 from the opposite side of State's 60?

20 A. Yes, ma'am.

21 Q. Did that vehicle have a back row?

22 A. There were two back rows.

23 Q. And what are we seeing here in State's 61?

24 A. That's the second back row.

25 Q. And is State's 62 the same second row from the

1 opposite side of the vehicle?

2 A. Yes, ma'am.

3 Q. Now, in State's Exhibit No. 63, what are we
4 looking at?

5 A. That's the third row seats.

6 Q. Was there anything of significance found in the
7 third row seats?

8 A. I was asked to collect two ski masks from the
9 third row seats.

10 Q. And can we see those ski masks in State's
11 Exhibit 63?

12 A. Yes, ma'am.

13 Q. Where are they at?

14 A. There's one there, and you can see one kind of
15 behind it on that same seat.

16 Q. And if we look at State's 64, is that a
17 closer-up shot of those same two ski masks?

18 A. Yes, ma'am.

19 Q. And, again, a closer-up in 65?

20 A. Yes, ma'am.

21 Q. What's here in 66?

22 A. That's a close-up of the front ski mask on that
23 same seat.

24 Q. And here in State's 67?

25 A. It's a little closer-up of that second ski mask

1 on the third row seat.

2 Q. And just a different angle of that same ski
3 mask in 68; is that correct?

4 A. That's correct.

5 Q. I'm also putting State's Exhibit 69 on the
6 overhead. What are we seeing here in 69?

7 A. That's a bird's eye view of the front center
8 armrest console with the door up showing the contents in
9 as they sat when I first opened it up.

10 Q. And if we zoom in on the contents of that glove
11 box, we can see mail addressed to who? It may be a
12 little hard to read on the overhead. Let me bring it up
13 to you.

14 THE COURT: And which exhibit is that?

15 MS. JOHNSON: 69.

16 THE COURT: Thank you.

17 Q. (BY MS. JOHNSON) Can you make out any part of
18 the name that the mail is addressed to on there?

19 A. I would need a magnifying glass. I don't think
20 my sight is what it used to be.

21 Q. We'll let the jury look at it for themselves.
22 It appears to say Padron. Did you, in fact, collect
23 those two ski masks out of that truck?

24 A. Yes, ma'am.

25 Q. When you take a piece of item or an item into

1 evidence, what do you do with it?

2 A. I place it in a bag or a box, and I mark it
3 with the case information.

4 Q. And did you do that in this case?

5 A. I did.

6 Q. Did you put the masks in separate bags or in
7 the same bag?

8 A. In separate bags.

9 Q. Why did you do that?

10 A. Just because I label them as two different
11 articles. I put them in separate sacks.

12 Q. Once you put them in their separate sacks, do
13 you close those sacks up in any particular way?

14 A. I fold them over, and then I tape them with
15 evidence tape, and I place my initials and the date on
16 them.

17 Q. And once you seal up the bags, what do you do
18 with them?

19 A. I put them in a box and do the same thing, then
20 I take them over to the property room.

21 Q. And we've heard a little bit about the property
22 room already, but just generally what is that?

23 A. It's where we bring the evidence that we've
24 collected in crimes just for safekeeping.

25 Q. And is that a secure location?

1 A. It is.

2 Q. Do you have to be a peace officer or some sort
3 of laboratory personnel in order to get items out of the
4 property room?

5 A. You do.

6 MS. JOHNSON: And if I may approach again?

7 Q. (BY MS. JOHNSON) First of all, I want to ask
8 you if you recognize this box?

9 A. Yes, ma'am.

10 Q. And what is that box?

11 A. This is the box that I would have put Articles
12 1 and 2 in in this case.

13 Q. And Articles 1 and 2 are the ski masks?

14 A. Yes, ma'am.

15 Q. In fact, is there a label on the box showing
16 that you tagged this whole box and its contents into the
17 property room?

18 A. This label is created by the property room once
19 we bring it down there.

20 Q. Now, inside of this box, there are a number of
21 things. But I specifically want to talk about what I've
22 marked as State's Exhibit 70 and State's Exhibit 71. Do
23 you recognize these bags and the contents of the bag?

24 A. Yes, ma'am, these are the ski masks I
25 collected.

1 Q. And do those appear to be in the same or
2 substantially similar condition as to when you found
3 them?

4 A. Yes, ma'am.

5 MS. JOHNSON: At this time I'm going to
6 offer State's Exhibit 70 and 71, the bags and their
7 contents, to Defense counsel for inspection and ask that
8 they be admitted into evidence.

9 (State's Exhibit Nos. 70 and 71 offered.)

10 MR. ORTIZ: I have no objections, Judge.

11 THE COURT: State's 70 and 71 and their
12 contents are admitted.

13 (State's Exhibit Nos. 70 and 71 admitted.)

14 Q. (BY MS. JOHNSON) After you examined that second
15 vehicle, did that complete your involvement in this
16 case?

17 A. Yes, ma'am.

18 MS. JOHNSON: I'll pass the witness.

19 MR. ORTIZ: I have no questions of this
20 witness, Judge.

21 THE COURT: You may stand down.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: Call your next, please.

24 MS. JOHNSON: State calls Victor Murillo.

25 THE BAILIFF: Your Honor, this witness was

1 sworn in yesterday.

2 THE COURT: Thank you.

3 VICTOR MURILLO,

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MS. JOHNSON:

7 Q. Sir, could you please state your name?

8 A. Victor Murillo.

9 Q. And how old are you, Victor?

10 A. 32.

11 Q. And do you live in the Houston area?

12 A. Yes, ma'am.

13 Q. How long have you lived here?

14 A. I think it's 18 years, I think.

15 Q. And what kind of work do you do, Victor?

16 A. Construction, ceramic tile.

17 Q. I'm sorry. I'm having a little trouble hearing

18 you. Could you scoot a little closer to the microphone?

19 Try that. Okay, that's better. I'm sorry, you said you

20 do construction and what?

21 A. Ceramic tile.

22 Q. How long have you been doing that kind of work?

23 A. Seven years.

24 Q. And do you live here with your family?

25 A. Yes, ma'am.