

1                                   **(Witness sworn.)**

2                                   THE COURT: All right. You may  
3 proceed.

4                                   MS. BARNETT: Thank you, Your Honor.

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

7                                   **DIRECT EXAMINATION**

8 **BY MS. BARNETT:**

9                   Q.       Would you please state your name for the  
10 record?

11                   A.       April Palatino.

12                   Q.       You work for the Houston Police Department?

13                   A.       Yes, ma'am.

14                   Q.       How long have you worked for the Houston  
15 Police Department?

16                   A.       About ten years.

17                   Q.       Where are you currently assigned?

18                   A.       To the Crime Scene Unit at the vehicle  
19 examination building.

20                   Q.       Okay. Let's -- well, how long have you  
21 been assigned to the Crime Scene Unit?

22                   A.       About five years.

23                   Q.       Have you been the whole --

24                                   THE COURT: Do you know what,  
25 Ms. Barnett? Slow down. Louise had to work straight

1 through lunch. Her fingers are tired. Thank you.

2 Q. (BY MS. BARNETT) So y'all --

3 THE COURT: It's a good thing I'm in a  
4 good mood, isn't it?

5 All right. You may continue.

6 Q. (BY MS. BARNETT) All right. So the whole  
7 time you've been in the Crime Scene Unit, have you  
8 been in the vehicle examination building department?

9 A. Yes, ma'am.

10 Q. Okay. That was a bad question I know.

11 All right. What do you do in CSU?

12 A. I process vehicles that have been involved  
13 in crimes for evidence.

14 Q. Okay. What do you mean, that you process  
15 vehicles?

16 A. Depending on the case and depending on what  
17 happened in the vehicle, I collect evidence, I take  
18 pictures, collect hair fibers, any firearms evidence,  
19 blood analysis, fingerprints, whatever the situation  
20 calls for.

21 When I say "I process it," I'm  
22 collecting evidence and documenting where I got this  
23 evidence from.

24 Q. Okay. When a vehicle is involved in some  
25 kind of way in a crime, are you the primary unit that

1 is the person that, I guess, makes notes or documents  
2 what's in and outside the vehicle or would it be the  
3 person at the scene that would do that?

4 A. I'm supposed to be the primary person. The  
5 person at the scene is supposed document where the  
6 car was found and send it to me via a city wrecker  
7 driver. But I'm supposed to be the one that collects  
8 the evidence off of it. It doesn't always happen  
9 like that. It's not wrong for them to take evidence  
10 on the scene, but for the most part, that's my job.

11 Q. Okay. Like the victim's identification or  
12 something like that, would that be something that  
13 they might want to take at the scene?

14 A. Yes.

15 Q. Okay. And as far as ballistics evidence or  
16 fingerprints, things like that, that would be under  
17 your purview?

18 A. Yes.

19 Q. All right. I'm going to ask you about a  
20 white Camry that you may have examined on  
21 September 10th and ask -- September 10th, 2010, and  
22 ask if you remember doing that?

23 A. Yes, ma'am. I processed a white Toyota  
24 Camry, Texas license plate MFL-404.

25 Q. Okay. Did you take pictures of that

1 vehicle?

2 A. I did.

3 MS. BARNETT: Your Honor, may I  
4 approach the witness?

5 THE COURT: Yes.

6 Q. (BY MS. BARNETT) I'm going to show you,  
7 ma'am, what's been marked for identification purposes  
8 as State's Exhibits 64 through 89, ask you to take a  
9 look at that and tell me whether or not you can  
10 identify those?

11 A. Yes, ma'am. These are the pictures I took  
12 of the Toyota Camry that day.

13 Q. Okay. Do they fairly represent the Toyota  
14 as you saw it on September 10th, 2010?

15 A. Yes, ma'am.

16 MS. BARNETT: Your Honor, we would  
17 offer into evidence State's Exhibits 64 through 89.  
18 Let the record reflect I'm tendering to opposing  
19 counsel.

20 THE COURT: Thank you.

21 MR. ROBERT LOPER: I have no  
22 objection.

23 THE COURT: They are admitted.

24 MS. BARNETT: May I publish them to  
25 the jury?

1                   THE COURT: You may.

2           Q.       (BY MS. BARNETT) Let me show you State's  
3 Exhibit No. 64. Now, where we see the two and the  
4 four in the background, is that the vehicle  
5 examination --

6           A.       Building.

7           Q.       -- lab? What is it called?

8           A.       Vehicle examination building. These are  
9 our bays that we put the cars in.

10          Q.       Okay. And what do you do when you first  
11 get a car in like this?

12          A.       We take pictures.

13          Q.       All right. All around on the outside?

14          A.       Yes, ma'am.

15          Q.       Okay. And then do you take pictures on the  
16 inside?

17          A.       Yes, ma'am.

18          Q.       And what if the car has a lot of stuff in  
19 it, like, sunglasses, drink cups, things hanging from  
20 the rearview mirror, how do you handle that? What do  
21 you do with that?

22          A.       I just take pictures and make a general  
23 list of the property that I found inside the vehicle  
24 when the doors were opened.

25          Q.       All right. State's Exhibit No. 65 denotes,

1 I guess, that you had the keys or the keys came along  
2 with the vehicle?

3 A. The keys were in the ignition.

4 Q. When you got it?

5 A. Yes, ma'am.

6 Q. Is it normal practice for the car to be  
7 towed to the vehicle examination building or to be  
8 driven?

9 A. To be towed.

10 Q. Do you know if that happened in this case?

11 A. Yes, ma'am.

12 Q. It did or did not?

13 A. It did.

14 Q. Let me show you State's Exhibit No. 66.  
15 Just another angle of the vehicle?

16 A. Yes, ma'am.

17 Q. And 67?

18 A. Yes, ma'am.

19 Q. And 68?

20 A. Yes, ma'am.

21 Q. Did you note any damage to the vehicle,  
22 like it had been in any kind of a major wreck or  
23 anything like that?

24 A. No, ma'am.

25 Q. And you also take pictures of the interior

1 of the vehicle, State's Exhibit 69. Why would you  
2 take this particular type of picture?

3 A. Just documenting the overall vehicle, how  
4 we found it when we went to work on it that day.

5 Q. Okay. Now, as you're documenting the  
6 interior of the vehicle, are you making notations  
7 about the type of things that you are going to find  
8 that might be of interest to you, like, ballistics,  
9 blood, a gun?

10 A. Yes, ma'am.

11 Q. All right. And when you document, do you  
12 document things even like the newspapers that you  
13 find, such as State's Exhibit 72?

14 A. I might write "newspaper." I might write  
15 something like "trash."

16 Q. Okay. All right. What I want to flip to  
17 then is -- was there any -- did you see any blood  
18 evidence in this vehicle?

19 A. Yes, ma'am.

20 Q. Okay. Where was it primarily located?

21 A. The front driver's side seat area.

22 Q. Let me show you State's Exhibit No. 81.

23 Now, you notated in your report, I believe, that  
24 there was blood evidence and you called it, I  
25 believe, swipe, transfer and drip?

1           A.       Flow stains.

2           Q.       Okay. Can you explain that? What do you  
3 mean?

4           A.       Basically, there's a bloodletting event.  
5 We don't know what happened, but somebody's bleeding  
6 or some thing's bleeding. Transfer stains would be  
7 simply, say I was shot or stabbed and I've got blood  
8 on my arm and I lean up against a seat, such as this,  
9 I have transferred some sort of pattern. Maybe it's  
10 on my hand and it will look like a hand.

11                       It may look like the back of  
12 somebody's head. It may not look like anything at  
13 all. Basically, I've transferred it from the  
14 object -- from myself to the seat cushion. That  
15 would be the transfer stain.

16                       A flow stain would mean I've got  
17 enough blood that gravity has grabbed ahold of it  
18 such as these drips you see here or these lines. And  
19 it's just pulling it down the surface, which is --  
20 which is -- this is the front side. You have the  
21 right front driver's side seat cushion.

22                       Swipe stain would mean I not only had  
23 blood on me, such as my hand, but I've put motion  
24 into touching versus transfer where I've just simply  
25 touched it. Now I've swiped. So I'm making some

1 sort of motion that causes the stains to look like  
2 you could see on this picture here. There's few  
3 spots toward the top looks like they've been swiped.

4 Q. All right. Is that possibly consistent  
5 with the body being taken out of the vehicle  
6 possibly?

7 MR. ROBERT LOPER: Judge, I'm going to  
8 object. I don't know if she's been proven up as a  
9 blood spatter expert.

10 THE COURT: Sustained.

11 MS. BARNETT: All right. I'll move  
12 on.

13 Q. (BY MS. BARNETT) Aside from the blood that  
14 you saw on the front seat -- and I'm showing that  
15 State's Exhibit 82 also -- was there any other blood  
16 evidence that you recall documenting as blood that  
17 was found in that vehicle?

18 A. Just on the interior front driver's side  
19 door frame that you can see there in this picture.

20 Q. Okay. All right. Now, did you also  
21 collect DNA samples from the vehicle?

22 A. Yes, ma'am.

23 Q. Tell us about that. How do you do that?

24 A. DNA samples that I took are what we call  
25 contact or touch DNA, which means basically it's

1 invisible. We're looking for areas that -- in the  
2 vehicle that people are most likely to touch, such as  
3 door handles Because you have to open the doors.  
4 Most likely, going to touch the door handle to get  
5 out.

6 What the person is leaving behind when  
7 they touch that handle is their sweat or their skin  
8 cells or epithelials is what they call them.

9 So what I do is I go and I get a  
10 sterile swab. I open the package. It's got two  
11 swabs in there. I spray it down with distilled water  
12 and I simply wipe those areas and those skin cells or  
13 sweat cells that were hopefully left behind will  
14 transfer onto my swabs and I package those for the  
15 lab to analyze at a later time.

16 Q. Okay. How many DNA -- is it proper to call  
17 it a DNA sample or DNA swab? What do I call it?

18 A. I call it DNA swab sets.

19 Q. How many DNA swab sets did you take in this  
20 case?

21 A. Seven.

22 Q. Were those primarily from areas such as you  
23 have discussed, door handles, the interior of the  
24 vehicle?

25 A. Yes, ma'am. Door handles on the interior

1 and exterior door handles.

2 Q. Do you ever go back and check and see  
3 whether or not any of the DNA or fingerprints sample  
4 that you have taken are identifiable or come back to  
5 anybody?

6 A. No, ma'am.

7 Q. Okay. And do you know in this case if any  
8 of the DNA samples -- DNA sample sets that you took,  
9 came back to anybody?

10 A. No. I don't know.

11 Q. All right. I'll move on.

12 Okay. After the DNA samples, did you  
13 also attempt to lift prints from the vehicle?

14 A. I did.

15 Q. How do you do that?

16 A. What I do is I get some powder and a brush  
17 and put a little bit of powder on the brush and apply  
18 it over every surface on the vehicle that is capable  
19 of holding a print, such as the outside, on the paint  
20 or the windows or any mirrors.

21 After that, I look -- the powder  
22 sticks to the oil that's left behind from just  
23 touching it and I'm looking for ridge details. Ridge  
24 details are what you see on your hands, those little  
25 lines. If I see that, then I get a piece of tape. I

1 put it over the print, pull the tape up and then put  
2 it on a white index card for an analyst to check who  
3 those prints belong to, if they can.

4 Q. Okay. In putting that on a white index  
5 card, do you make any notation to yourself on the  
6 card where the print's lifted from, what case it is,  
7 that kind of thing?

8 A. Yes. On the back of the card, I'll draw a  
9 picture, make a little X where I got the print from  
10 and I'll write out a little narrative describing  
11 where the print was taken from and then I put my case  
12 information on the card.

13 Q. All right. Let me show you what's been  
14 introduced as State's Exhibit 85.

15 What -- tell us what this is.

16 A. That's a picture after I've applied powder  
17 to the vehicle. You can see a lot of these little  
18 black marks. That's the powder sticking to what  
19 looks like hand and fingerprints all over the  
20 vehicle.

21 If I look at them closely, I can see  
22 it. If it's smudge, I ignore them. If it's got  
23 little tiny lines in it, that's what we call ridge  
24 detail, then I'll go ahead we'll be collecting them.

25 Q. Would these have been prints you would be

1 collecting?

2 A. Some of these prints I did collect, more  
3 towards this corner.

4 Q. Okay. When you're making a distinction  
5 between ridge detail versus smudge, what do you mean  
6 by that?

7 A. After I apply the powder, you don't always  
8 see ridge detail, little lines on your fingers or  
9 your toes or whatever it is that touched the vehicle.

10 Maybe somebody is just too sweaty and  
11 so you don't get a good print. You get what looks  
12 like a smudge. You can look at this and say it looks  
13 like a handprint, but if I don't see those little  
14 lines, then it's just a smudge.

15 Q. That's what you need for ID?

16 A. Yes, ma'am. That's what the analyst needs,  
17 yes, ma'am.

18 Q. I'm sorry. That's I meant. I'm sorry.  
19 That's what a person needs for identification?

20 A. Yes, ma'am.

21 Q. Let me ask you to take a look at State's  
22 Exhibit No. 86. What does that show us?

23 A. That is a piece of tape that I've put over  
24 some prints that contain ridge detail.

25 Q. Okay. Now, when we talk about lifting

1 prints, that's actually what you're doing, isn't it?

2 A. Yes, ma'am. The next step would be to lift  
3 this piece of tape off and stick it to a plain white  
4 index card.

5 Q. All right. Let me show you State's Exhibit  
6 88, which is going to be the back -- you tell us.  
7 What door is that off of, that Camry, State's Exhibit  
8 88?

9 A. That's a picture of the exterior of the  
10 rear passenger side door.

11 Q. Okay. Does it appear to you that you  
12 lifted some latent prints from State's Exhibit 88?

13 A. Yes, ma'am.

14 Q. How would we see that?

15 A. Because I got the tape on the window here.

16 Q. Okay. Does the tape signify one print or  
17 maybe more than one print?

18 A. It could be more than one print. You can't  
19 see that in the picture. It's very hard to  
20 photograph, especially on a tinted window. So  
21 whatever could possibly be under that tape -- it's  
22 just a little piece of tape, goes on a little card --  
23 could be several fingers it could be part of a palm.

24 Q. Let me also show you State's Exhibit  
25 No. 89. What does State's Exhibit No. 89 show us?

1           A.       That's the picture of the exterior front  
2 passenger side door. After I've applied the powder  
3 to it, I've decided to attempt to lift two print  
4 cards from the window.

5           Q.       Okay. And did you document both State's  
6 Exhibit No. 88, the prints found on 88 or the tape,  
7 which you lifted the prints on 88 and 89, on the  
8 cards that you've spoken of?

9           A.       Yes. Everything would have been documented  
10 on the cards.

11                    MS. BARNETT: Your Honor, may I  
12 approach the witness?

13                    THE COURT: You may.

14           Q.       (BY MS. BARNETT) Ma'am, I'm going to show  
15 you what's marked for identification purposes as  
16 State's Exhibit No. 90 and 91. Can you tell us what  
17 those are?

18           A.       These are what I call latent print cards.  
19 On the front is the piece of tape that I've lifted  
20 from the vehicle and placed on there.

21                    On the back is -- as I described the  
22 picture, I drew a narrative of where I've collected  
23 it from and my case information.

24           Q.       All right. Does 90 and 91 refer to the  
25 passenger front and back door? I'm sorry. The

1 passenger back door -- passenger front door?

2 A. Both of these are from the exterior front  
3 passenger side door window. One was at the top and  
4 the other one was at the bottom of the window.

5 MS. BARNETT: Your Honor, we would  
6 offer into evidence State's Exhibit No. 90 and 91.  
7 Let the record reflect that I'm tendering to opposing  
8 counsel.

9 MR. ROBERT LOPER: No objection.

10 THE COURT: They're admitted.

11 MS. BARNETT: May I publish to the  
12 jury?

13 THE COURT: Yes.

14 Q. (BY MS. BARNETT) In looking at State's  
15 Exhibit 89, I'm going to put State's Exhibit 90 over  
16 this. Does State's Exhibit No. 90 reference what  
17 you've lifted in State's Exhibit 89? Does that make  
18 sense?

19 A. Okay. Eighty-nine is the picture?

20 Q. Yes.

21 A. Yes, ma'am.

22 Q. Which one? Can you circle that on the  
23 screen?

24 A. This card was lifted from this piece of  
25 tape up here on the top rear corner of the front

1 passenger side door window.

2 Q. Okay. And let me show you 91. What does  
3 91 reference?

4 A. This is -- this print card is from this  
5 piece of tape here on the exterior of the front  
6 passenger side door window.

7 Q. All right. Now, once you and -- State's  
8 Exhibit 90 and 91, these are the actual prints that  
9 were lifted?

10 A. Yes, ma'am.

11 Q. What do you do with those prints once you  
12 lift them?

13 A. After I lift them, I put all this  
14 information on it, draw my picture and I put all my  
15 print cards into an envelope and they get submitted  
16 into the latent print drop box for an analyst to come  
17 and pick up and analyze it at a later date.

18 Q. All right. Now, let me turn your attention  
19 back to the interior of the vehicle and your  
20 documentation of the interior of the vehicle.

21 Did you find any type of ballistic  
22 evidence in that vehicle?

23 A. I didn't find any firearms evidence in  
24 there.

25 Q. Okay. Any shell casings did you find in

1 that vehicle?

2 A. No, ma'am.

3 Q. Any fired bullets did you find in that  
4 vehicle?

5 A. No, ma'am.

6 Q. Any unfired bullets did you find in that  
7 vehicle?

8 A. No, ma'am.

9 Q. Did you find any weapons at all?

10 A. No.

11 Q. Did you find any cell phones in that  
12 vehicle?

13 A. No.

14 Q. And that's certainly something you would  
15 have documented had you found the cell phone?

16 A. Yes.

17 Q. And certainly you would have documented  
18 whether or not you found any spent shell casings,  
19 fired or unfired bullets or a gun?

20 A. Yes, ma'am.

21 MS. BARNETT: Your Honor, may I  
22 approach the witness?

23 THE COURT: You may.

24 Q. (BY MS. BARNETT) I'm going to show you  
25 what's been marked for demonstrative purposes as

1 State's Exhibit No. 92. Can you tell us what type of  
2 firearm that is?

3 A. It's a little revolver.

4 Q. Okay. If someone were to fire that gun,  
5 would that type of weapon eject a cartridge case?

6 A. No, ma'am.

7 Q. Why not?

8 A. It's a cylinder. It's meant to hold the  
9 fired shell casings in it. You have to actually open  
10 the cylinder and dump the shells out to load your  
11 next round.

12 Q. All right. As opposed to a semiautomatic  
13 where you fire it and the shell casing comes out?

14 A. Yes, ma'am.

15 MS. BARNETT: All right. With that,  
16 Judge, we pass the witness.

17 THE COURT: All right. Mr. Loper.

18 MR. ROBERT LOPER: Thank you, Judge.

19 **CROSS-EXAMINATION**

20 **BY MR. ROBERT LOPER:**

21 Q. Officer Palatino, how are you?

22 A. Good, sir.

23 Q. I have a couple questions about your  
24 testimony, what you did in this case. And so the  
25 jury understands, you testify in a lot of cases,

1 don't you?

2 A. I guess so, yeah.

3 Q. You've testified in cases I've had before.

4 A. Yeah. You look a little familiar.

5 Q. I know I'm not the only lawyer down here at  
6 the courthouse.

7 A. No, sir, you're not.

8 Q. Okay. Enough of that.

9 The point is that so the jury  
10 understands, your primary job as a Crime Scene Unit  
11 officer at the vehicle examination building is you  
12 are to collect evidence, correct?

13 A. Collect evidence and document where I got  
14 it from.

15 Q. And document where you got it from. So a  
16 minute ago when you made a phrase when you were  
17 talking about blood, someone may have been shot,  
18 someone may have been stabbed, you don't really delve  
19 into how it may have happened? You just document and  
20 collect what you find inside the vehicle, correct?

21 A. (No audible response.)

22 Q. Your job is not to try to solve the crime  
23 as you're documenting the vehicle there in the  
24 building; isn't that correct?

25 A. No, I suppose not.

1 Q. Now, with all fairness to the work that you  
2 do, sometimes the evidence that you have documented  
3 and collected may lead toward the solving of the  
4 crime? That's certainly happened, hasn't it?

5 A. Yes, sir.

6 Q. But the primary object is for you to  
7 collect the evidence and document what's in from  
8 front of you in your building, correct?

9 A. Yes, sir.

10 Q. And that's why you would go through a  
11 vehicle, as you said, and make note of everything  
12 that you find in there, just as you did in this  
13 particular case, right?

14 A. I said I make a general list of my findings  
15 in the vehicle.

16 Q. You even made a comment when you were shown  
17 a photograph of some newspaper, you might call it  
18 newspaper, you might call it trash, but you generally  
19 document what you find, correct?

20 A. Yes, sir.

21 Q. Now, I understand from looking at your  
22 report, you found a set of handcuffs, correct?

23 A. Yes, sir.

24 Q. Were you able to determine whether they  
25 belonged to one of the police officers who may have

1       been out at the scene of the event?

2           A.     No, sir.

3           Q.     When you were talking about the blood  
4       evidence that you found, it certainly was apparent to  
5       you that that was blood evidence, wasn't it?

6           A.     Yes, sir.

7           Q.     You've seen it before on many occasions, I  
8       assume, haven't you?

9           A.     Yes, sir.

10          Q.     But you certainly didn't do any type of  
11       scientific or chemical test to confirm that's what it  
12       was, did you?

13          A.     No, sir.

14          Q.     From looking at that, that certainly -- in  
15       addition to the fact it's not really your position to  
16       do so, none of that led you to reach any conclusion  
17       about how it may have occurred; is that correct?

18          A.     How the blood got --

19          Q.     How the injury was caused, whatever the  
20       injury might have been that caused that blood to get  
21       there.

22          A.     What was the first half of the question?  
23       I'm sorry. It's not my job to what?

24          Q.     It's not your job to make any type of  
25       conclusion about how the injury may have occurred

1 that caused that apparent blood evidence to be on the  
2 seat, correct?

3 A. Correct.

4 Q. There wasn't anything about your review of  
5 the vehicle that would lead you to make any  
6 conclusion about whether a gun was fired in the  
7 vehicle, correct?

8 A. I could tell you from my blood spatter  
9 training that I didn't see a through-and-through shot  
10 that led to high velocity impact spatter, which would  
11 say it was a gunshot. But I could tell you there is  
12 blood in the car.

13 Q. Sure. Obviously, you could see there  
14 appeared to be blood evidence in the car, but you  
15 couldn't reach any conclusions about how it got there  
16 is my only point.

17 A. No.

18 Q. Certainly couldn't tell who did it, right?

19 A. No.

20 Q. Right. But to be fair about it, that's not  
21 really your job anyway, as you've said, correct?

22 A. Correct.

23 Q. Right. The DNA swab that you collected,  
24 now that is a very normal part of your job, isn't it?

25 A. Yes, sir.

1 Q. On almost every case, isn't it true that  
2 you guys normally try to collect DNA swabs if you can  
3 because it might lead to some other evidence, right?

4 A. Yes, sir.

5 Q. You did that in this case as well?

6 A. Yes, sir.

7 Q. But you said that you don't have any  
8 knowledge whether that led to any identification in  
9 this case, right?

10 A. No, sir.

11 Q. And it's very normal that you wouldn't be  
12 told that, correct?

13 A. Correct.

14 Q. Same way with fingerprints. You told us  
15 about lifting some prints, but you wouldn't  
16 necessarily be told about whether any identification,  
17 if any, were ever made, correct?

18 A. Correct.

19 Q. You wouldn't know the results in this case  
20 if there are any, right?

21 A. Correct.

22 Q. And in your report, you indicated that you  
23 did a GRS (sic) kit. Would you tell the jury what  
24 that means?

25 A. A gunshot residue kit is -- what we're

1 attempting to collect is just that gunshot residue.  
2 After a gun is fired, there's antimony -- I can't  
3 pronounce it.

4 Q. Antimony?

5 A. Thank you. There's a few chemical  
6 substances that comes out that they can say for sure  
7 that belongs to gunfire. All I'm doing is collecting  
8 from areas that can possibly be holding that residue.  
9 It's pretty much you can't see it. You've got to  
10 look at it under a microscope. So what I'm given is  
11 a little vial with some sticky tape on it, and I just  
12 dab it all over areas where that chemical could be  
13 found.

14 Q. And where you dabbed it in this particular  
15 case was exactly where?

16 A. I did the interior ceiling above the front  
17 driver's side seat and the exterior of the vehicle  
18 over the rear passenger side door.

19 Q. And I assume you did the interior ceiling  
20 above the front driver's side seat because there was  
21 apparent blood evidence in the driver's seat,  
22 correct?

23 A. Yes.

24 Q. Again, just like fingerprints, just like  
25 DNA, although you collected that evidence, you would

1 not have participated in determining whether there  
2 was any evidence of gunshot residue, correct?

3 A. Correct.

4 Q. Someone else would make that conclusion, if  
5 they could make it?

6 A. Yes, sir.

7 MR. ROBERT LOPER: Thank you, ma'am.

8 That's all I have.

9 MS. BARNETT: I have a couple  
10 questions, Judge.

11 THE COURT: All right.

12 **REDIRECT EXAMINATION**

13 **BY MS. BARNETT:**

14 Q. Certainly it's obvious in collecting a  
15 latent print, you're going to try to take a print  
16 where you see evidence of a fingerprint possibly,  
17 where one might as you testified earlier.

18 Looking at gunshot residue, how are  
19 you trained to look for where gunshot residue might  
20 be to collect that?

21 A. I'm very rarely asked to collect this. So  
22 they go off of maybe a witness or the complainant's  
23 testimony, Hey, I saw somebody shoot out this window.

24 So I'm going to go collect around that  
25 window. If not, then I'm asked to do all of the

1 windows because we don't know where it came from.

2 And all of a sudden, you cannot see it.

3 So it depends on the situation. I  
4 don't know why exactly they wanted it taken from  
5 here.

6 Q. But they did?

7 A. But they did.

8 Q. Okay. So what we're talking about is when  
9 a gun discharges, the gunshot residue goes into an  
10 expanding area, does it not?

11 A. It comes out all the way around the gun.

12 Q. Okay. That would be the larger area,  
13 depending on how far away the gun is, that you would  
14 collect?

15 A. Correct.

16 Q. If the gun is placed against the skull of  
17 the complainant, you're not going to expect to see  
18 much gunshot residue in the interior of the car,  
19 would you?

20 A. You're not going to see it anyway, but  
21 depending on where the head was inside the vehicle,  
22 you could maybe take a general guess. I mean, the  
23 stuff doesn't go that far and it doesn't stay there  
24 that long.

25 So if you were going to try to collect

1 gunshot residue, you do it close to where you thought  
2 the head was.

3 Q. Okay. I'm talking about not a  
4 through-and-through. I'm talking about a contact  
5 wound to the back of the head with a .22, in a  
6 hypothetical case, .22 revolver where the bullet  
7 remains in the head. You're not going to find  
8 gunshot residue on the windows, are you?

9 MR. ROBERT LOPER: Judge, I'm going to  
10 object to leading. But also, I think she's exceeding  
11 the scope probably of this witness' expertise.

12 THE COURT: Overruled.

13 You may go ahead.

14 Q. (BY MS. BARNETT) You can answer that.

15 A. Where the GSR is coming out is around --  
16 it's all around the gun. It's not being directed  
17 where that bullet is being directed, per se. I mean,  
18 it can.

19 What I'm saying is, it wouldn't make  
20 sense if you know where the gun was fired to collect  
21 it from there, but you could certainly. In an  
22 attempt to, I don't know why you would ask for such a  
23 thing.

24 Q. All right. When the defense counsel  
25 brought up the fact that you located some handcuffs

1 in the vehicle, were these like fur-lined handcuffs  
2 or some kind of --

3 A. I didn't take note and I honestly don't  
4 remember.

5 Q. Did you know anything about what the  
6 complainant did for a living, whether she was a  
7 security guard or anything?

8 A. I don't know.

9 Q. Do you know remember -- and I guess if I  
10 showed you --

11 MS. BARNETT: May I approach the  
12 witness?

13 THE COURT: You may.

14 Q. (BY MS. BARNETT) Going to show you what's  
15 been introduced as State's Exhibit No. 79. I  
16 wouldn't expect you to remember this necessarily, but  
17 do you remember a name plate or a name badge hanging  
18 from the rearview mirror, which identified a person  
19 as security?

20 A. I do see a card with the word "security"  
21 written on the bottom of it.

22 Q. And that's all.

23 MS. BARNETT: I'll pass the witness,  
24 Judge.

25 THE COURT: Anything further?