

1                                    **(In Open Court, Defendant and Jury**  
2                                    **Present.)**

3                                    *THE COURT:* Ms. Barnett, you may  
4 proceed.

5                                    *MS. BARNETT:* Thank you.

6                                    **JOHN PARKER,**  
7 having been first duly sworn, testified as follows:

8                                    **DIRECT EXAMINATION**

9 **BY MS. BARNETT:**

10                                  Q.        Would you please state your name for the  
11 record, sir?

12                                  A.        John Thomas Parker.

13                                  Q.        And where do you work, sir?

14                                  A.        I'm employed as a Houston police officer.

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

17                                  A.        Twenty-six years.

18                                  Q.        Where are you currently assigned?

19                                  A.        At the Homicide Division.

20                                  Q.        How long have you been at the Homicide  
21 Division?

22                                  A.        I'm in my eighth year.

23                                  Q.        Okay. Did you, through the course of your  
24 employment with the Houston Police Department, take  
25 part in an investigation regarding LaVincent

1 Donaldson?

2 A. Yes, I did.

3 Q. Okay. Can you tell us how it is that you  
4 became to be involved in that investigation?

5 A. I was assigned by the lieutenant.

6 Q. Is there such a thing as night shift? Day  
7 shift?

8 A. Yes, there is.

9 Q. All right. In fact, on September 9th,  
10 2010, were you day shift or night shift?

11 A. I worked the day shift.

12 Q. Okay. Were you one of the officers or the  
13 investigators that made it to the scene where  
14 Ms. Ogunleye was found?

15 A. No, I was not.

16 Q. Okay. How does that work?

17 A. The incident occurred during the nighttime  
18 hours. The night shift was on duty and those  
19 investigators made the original scene. Later the  
20 case was assigned to myself and my partner.

21 Q. All right. Was there at the time of the --  
22 at the time you got the assignment, was there -- did  
23 you have a suspect in mind or was there anybody in  
24 mind originally?

25 A. At the time I became aware of the case,

1       there was no suspect identified or in mind.    There  
2       was no one as far as suspect information.

3           Q.       All right.  Did you have an idea about the  
4       complainant and what type of work she did?

5           A.       Yes, I did.

6           Q.       Okay.  How did you learn about that?

7           A.       By reading the offense report that had  
8       already been started and by talking to the  
9       investigators, my partner and the other investigators  
10       that had been to the scene.

11          Q.       Did you have an idea before you found out  
12       who the suspect was what kind of a crime this was?  
13       Why -- did it look like they knew each other or  
14       didn't know each other or could you tell?

15          A.       There was information that indicated they  
16       knew each other.

17          Q.       Okay.  That's what I want to talk about.  
18       How important is knowledge about a cell phone and  
19       calls made into a person's cell phone, how important  
20       is that in investigating a murder?

21          A.       Well, today's technology, it gives the  
22       investigator an idea who someone may or may not have  
23       been in contact with and what time that contact may  
24       have occurred.

25          Q.       All right.  Were you aware of whether or

1 not a cell phone was recovered from Ms. Ogunleye's  
2 car the night that she was shot on September 9th,  
3 2010?

4 A. I'm not aware of any phone being recovered  
5 from the car.

6 Q. And was there a cell phone recovered from  
7 her purse the night that she was shot on  
8 September 9th, 2010?

9 A. I am not aware of any phone being recovered  
10 from her purse.

11 Q. Were you able to get a phone number -- do  
12 you know whether or not she had a cell phone?

13 A. In talking to the other investigators and  
14 reviewing the offense report, I believe she had a  
15 cell phone she used, yes.

16 Q. Okay. Were you able to get the number --  
17 the telephone number of her cell phone?

18 A. I was aware of that phone number, yes.

19 Q. Was that obtained by people who knew her as  
20 far as you know?

21 A. That phone number was given to the  
22 investigators by people that knew her.

23 Q. What, if anything, was done with that phone  
24 number?

25 A. Records regarding phone calls associated to

1 that phone number were obtained.

2 Q. Okay. What kind of information were you  
3 trying to obtain from her cell phone?

4 A. The information that we tried to obtain  
5 would be who she had been in contact with during that  
6 day, during previous days.

7 Q. Okay. And did you have an approximate time  
8 of when you believed the murder had occurred?

9 A. Yes, I did.

10 Q. And how did you know about that?

11 A. In reading the offense report and the calls  
12 for service, there is a time that the Police  
13 Department was notified of the lady being in the  
14 parking lot.

15 Q. Okay. And do you know whether or not a  
16 video was obtained from a Walmart parking lot?

17 A. Yes, there was a video obtained.

18 Q. Okay. Did that help in determining when  
19 she may have been shot?

20 A. Yes, it did.

21 Q. Did anything become of interest to you  
22 in -- were you able to obtain her phone records?

23 A. Yes, we did.

24 Q. Okay. Were they under her name?

25 A. Yes, they were.

1 Q. And did you have -- do you know what her  
2 cell phone number is?

3 MS. BARNETT: May I approach?

4 THE COURT: You may.

5 Q. (BY MS. BARNETT) Do you know what her cell  
6 phone number is?

7 A. Yes, I do.

8 Q. Tell me what her cell phone number is?

9 A. 831.465.4047.

10 Q. All right. Now, is this number that you  
11 just told us, is that from her cell phone records?

12 A. Yes, it is also.

13 Q. With her name?

14 A. Yes, it is.

15 Q. In looking at the cell phone records of  
16 Ms. Ogunleye, what was important to you -- or did  
17 anything become important to you about any calls she  
18 may have received or may have made?

19 A. Well, I was interested in the phone calls  
20 that may have been made or received that were near  
21 the time -- approximate type of death or when we  
22 believed the incident occurred.

23 Q. Okay. Did you find any that matched that?

24 A. I found several phone calls in that time  
25 frame.

1 Q. Okay. Now, different numbers or the same  
2 number or what?

3 A. There were a few different numbers.

4 Q. Okay. Did anybody -- and so what did you  
5 do in an investigation of that? You got several  
6 different phone numbers now that are around about the  
7 time of her death. What do you do with that  
8 information?

9 A. Well, I run the phone numbers through our  
10 own records and what records I can obtain to try and  
11 determine who that phone number is associated to.

12 Q. Okay. Did you find -- who did you find  
13 associated with the phone number of a phone call made  
14 to her shortly before her death?

15 MR. ROBERT LOPER: Judge, I object to  
16 that. It's going to call for hearsay and records not  
17 in evidence.

18 THE COURT: Sustained.

19 MS. BARNETT: We would offer into  
20 evidence State's Exhibit 123. Let the record reflect  
21 I'm tendering to opposing counsel.

22 MR. ROBERT LOPER: Judge, could we  
23 approach?

24 THE COURT: Yes.

25 **(At the Bench, on the record.)**

1                   MR. ROBERT LOPER:  Objection, Judge  
2                   just because people say we know that's his number,  
3                   there are no records from the phone company saying  
4                   that that's his number.

5                   THE COURT:  That's true.  I think it  
6                   goes the weight because someone testified that was  
7                   his phone number.

8                   MR. ROBERT LOPER:  As long as my  
9                   objection is noted.  I think it would not be  
10                  admissible, as I understand the business records  
11                  affidavit.  I don't think it goes to weight.  That's  
12                  my specific objection.

13                  THE COURT:  I do have a question.  
14                  This is certified with a document submitted on a  
15                  different date.  This is a certified document, 9/20.

16                  MS. BARNETT:  I don't understand.  I  
17                  don't understand.  On 9/20?

18                  THE COURT:  Isn't that what it says?  
19                  Hand it back to me.

20                  MS. BARNETT:  That's when these were  
21                  obtained, when these phone records were obtained.  
22                  They didn't come with a business records affidavit.  
23                  So I had to sent the record back to them to certify  
24                  that, in fact, these four pages were a part of what  
25                  was originally sent and that's what this affidavit is

1 for.

2 That was part of what he's talking  
3 about in his investigation.

4 *THE COURT:* So your objection is that  
5 it doesn't show it belongs to him? Is that what your  
6 objection is?

7 *MR. ROBERT LOPER:* Correct.

8 *THE COURT:* That's overruled. I think  
9 that goes to weight, not admissibility. There's  
10 testimony and this is talking about his number.

11 *MR. ROBERT LOPER:* Thank you, Judge.

12 *THE COURT:* Admitted.

13 ***(End of Bench Discussion.)***

14 *MS. BARNETT:* May I approach the  
15 diagram, Judge?

16 *THE COURT:* You may.

17 *MS. BARNETT:* We would mark this as  
18 State's Exhibit No. 124, which is a page from the  
19 diagram -- excuse me -- from State's Exhibit No. 123  
20 that we'd like to use for demonstrative purposes.

21 *THE COURT:* You may.

22 *MR. ROBERT LOPER:* I'd just renew that  
23 same objection, Judge. That's all.

24 *THE COURT:* All right.

25 Q. *(BY MS. BARNETT)* Why don't you take a look,

1       sir, at the records. Now, these are the records that  
2       belong to LaVincent Donaldson; is that right?

3           A.       Yes, they are.

4           Q.       All right. What I want to do is understand  
5       what these columns are.

6                    MS. BARNETT: I'm sorry, Judge.

7           Q.       (BY MS. BARNETT) Let me ask you to tell me  
8       if you can see this. What is this first column here,  
9       Calling Number?

10          A.       The Calling Number is going to be the phone  
11       that initiates the call, that makes the phone call.

12          Q.       Okay. So -- so if our phone number is  
13       832.722.8566 -- is that right? Call records for the  
14       number?

15          A.       That's correct.

16          Q.       Is that going to be this number that makes  
17       that call?

18          A.       No. The number being at the top,  
19       832.722.8566 signifies on the document that all these  
20       records pertain to that cell phone.

21          Q.       Okay.

22          A.       The first column, Calling Number, is going  
23       to be that company's method of recording the phone  
24       that makes the phone call, whether it be the phone  
25       the records are associated to or someone else calling

1 that number.

2 Q. All right. So if we look at the number  
3 832.722.8566, for example, in the middle here, does  
4 that mean that LaVincent's phone call is making the  
5 phone call? His phone is making that phone call?

6 A. That phone is making the phone call.

7 Q. Okay. So this is the number that  
8 originates the call?

9 A. Correct.

10 Q. Which column is the Called Number?

11 A. The Called Number is going to be the very  
12 next column. It's headed on top, Called Number.

13 Q. All right. What does Dialed Digits mean?

14 A. Dialed Digits is going to be the digits  
15 dialed by the phone that makes the phone call.

16 Q. All right.

17 A. The digits could be someone called and then  
18 another number added in the other column as a  
19 three-way, it could be a calling card. It's going to  
20 be the digits that are dialed on the first cell  
21 phone.

22 Q. All right. So if we have LaVincent trying  
23 to call Joanne, is Joanne's number going to be in the  
24 Dialed Digits?

25 A. It could be, yes.

1 Q. All right. Okay. Well, so what's the  
2 difference then between Called Number and Dialed  
3 Digits?

4 A. Well, you mentioned the name Joanne. If  
5 the phone is going to call that person, that first  
6 phone could dial the digits to that person or if  
7 there is roundabout, like digits like a calling card  
8 number, the person calling that number is going to  
9 show up in the Called Number column. It's going to  
10 be the final destination.

11 Q. And Dialed Digits are what is actually  
12 placed into the phone?

13 A. Correct.

14 Q. All right. I want to take you down to  
15 September 9th and approximately between 10:00 and  
16 10:30. Do you see any time where the defendant calls  
17 Joanne?

18 A. I see where the phone number associated to  
19 the defendant --

20 Q. All right.

21 A. -- calls Joanne's phone, the number  
22 associated to her.

23 Q. Can you tell me approximately what time?

24 A. There is a call at 10:21.

25 Q. Is that going to be 23 hours?

John Parker - March 12, 2012  
Direct Examination by Ms. Barnett

1           A.     Actually, yes, it is.  September 9th, 2010,  
2     the call is 21:41 hours and 16 seconds.  That would  
3     be 9:41 p.m.

4           Q.     It's 21 -- I'm sorry?

5           A.     The call is made at 21:41:16 seconds.

6           Q.     Okay.  All right.  So we've got -- I'm  
7     going to find 21:21:16.  832.465.4047, that's, right?

8           A.     Correct.

9           Q.     And then we have 722.8566, that's going to  
10    be LaVincent?

11          A.     Correct.

12          Q.     Now, so who's calling who?

13          A.     Well, for that call, the 832.722.8566  
14    associated with LaVincent is dialing the  
15    832.465.4047, which is associated with Joanne.

16          Q.     Do you have another phone call between the  
17    two of them?

18          A.     There is another phone call initiated by  
19    the 832.722.8566 at 21:54 hours, 9:54 p.m.

20                    Okay.  I misunderstood.  Between  
21    Joanne?

22          Q.     Yes.

23          A.     Okay.

24          Q.     Do we have one at 22:11:35?

25          A.     The next phone call that I see is 22:10.

1 That's 10:10, between the two phones. And you said  
2 11?

3 Q. Yeah 22:11:35 on September 9th.

4 A. 22:11:35, yes, I see it. You're looking at  
5 the End column?

6 Q. Yes. I'm sorry.

7 A. It originated at 22:10 and ended at 22:11.

8 Q. All right. Am I right here? 832.465.4047?

9 A. Correct.

10 Q. Okay. All right. And that's originated  
11 LaVincent's phone?

12 A. That's correct.

13 Q. And do we have any other ones?

14 A. There is a call at 22:37:49.

15 Q. All right. I see what you're doing now.  
16 All right. I'm sorry.

17 Okay. And that is from LaVincent; is  
18 that right?

19 A. That's correct.

20 Q. And are there any other phone calls between  
21 the defendant and Joanne as far as you can tell that  
22 day?

23 A. Well, there's calls that the phone number  
24 associated with Joanne initiates and her calls or  
25 that phone's calls are to the phone number associated

1 to the defendant.

2 Q. Okay. But let me concentrate on this last  
3 one. You talked about it at 22:37:49.

4 A. That's correct.

5 Q. So that's going to be 10:37:49; is that  
6 right?

7 A. That's correct.

8 Q. Okay. That's on the date that she's shot  
9 and killed?

10 A. That's correct.

11 Q. All right. Now, as far as you can tell,  
12 does that fit with the timeline of the video from the  
13 Walmart parking lot, that time period?

14 A. Yes, it does.

15 Q. And was that a particular interest to you  
16 as far as LaVincent Donaldson being a person of  
17 interest?

18 A. Yes, it was.

19 MS. BARNETT: Your Honor, that is far  
20 away. May I walk that in front of the jury?

21 THE COURT: Yes. You can walk it in  
22 front of the jury.

23 Folks, are you able to see?

24 Q. (BY MS. BARNETT) Now, were you able to --  
25 was a photograph of LaVincent Donaldson obtained?

1           A.       Yes, one was.

2           Q.       What was done with that photograph?

3           A.       The photograph had been utilized by my  
4 partner to attempt to identify information or verify  
5 information he was working on.

6                    *THE COURT:* No talking out in the  
7 audience. Y'all step out into the hallway, please.

8           Q.       *(BY MS. BARNETT)* Who was the photograph  
9 shown to?

10          A.       A Mrs. Knox.

11                    *THE COURT:* Excuse me.

12                    Y'all step out in the hallway, please.

13                    You may ask the prior question again.

14          Q.       *(BY MS. BARNETT)* And who was the photograph  
15 of LaVincent Donaldson shown to?

16          A.       It was shown to a Ms. Knox.

17          Q.       Okay. And do you know whether or not  
18 Ms. Knox knew LaVincent Donaldson?

19          A.       I do, based on the information from my  
20 partner.

21          Q.       And did she know him?

22          A.       Yes.

23          Q.       Did she recognize him?

24          A.       Yes.

25          Q.       And did she give you information regarding

1 what she knew about LaVincent Donaldson's  
2 relationship with Joan Ogunleye, if there was any?

3 A. Yes, she did.

4 Q. Okay. All right. Eventually, were you  
5 able to talk with Christopher Faulk?

6 A. Yes, we did.

7 Q. And did you take a series of statements or  
8 have many conversations with Christopher Faulk?

9 A. Yes, we did.

10 Q. Did you also obtain Christopher Faulk's  
11 phone information?

12 A. Yes, we did.

13 Q. In obtaining his phone information, were  
14 there investigations done of his phone and what his  
15 phone would have told you about his records?

16 A. Yes, there was.

17 Q. Christopher Faulk's phone, was a report  
18 made showing his contact information?

19 A. Yes, there was.

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

22 THE COURT: You may.

23 Q. (BY MS. BARNETT) I'm going to show you this  
24 report, examination of Christopher Faulk's phone  
25 records. Can you tell me whether or not Joan

1 Ogunleye appears in his contact information?

2 MR. ROBERT LOPER: Judge, I'm going to  
3 object if he's testifying from records not in  
4 evidence.

5 THE COURT: Sustained.

6 Q. (BY MS. BARNETT) Did he cooperate and give  
7 you information about Joan Ogunleye and basically  
8 what he knew?

9 A. Yes, he did.

10 Q. Okay. Was it at first truthful?

11 A. Some of his information was; some was not.

12 Q. How many conversation did you have with  
13 him, if you recall?

14 A. I was involved in three.

15 Q. And during the course of your conversations  
16 with Christopher Faulk, did you know or did you come  
17 to find out or do you believe that Christopher Faulk  
18 had some type of reading comprehension issue?

19 A. I believe he's not the best reader. I  
20 don't know what level he does or does not read at.

21 Q. Okay. So you believe he does read some?

22 A. Yes.

23 Q. Did you test that out with him?

24 A. I did.

25 Q. Was there a time when you were able to find

1 out about a phone that had been pawned by the  
2 defendant?

3 A. Yes, we did.

4 Q. How did you find that out?

5 A. By checking the name of LaVincent Donaldson  
6 and a database, which is leadsonline. It's pawned  
7 items.

8 Q. Okay. What did that tell you?

9 A. That a cell phone had been pawned by  
10 LaVincent Donaldson.

11 Q. Did you go over to the pawn shop?

12 A. My partner worked on that information.

13 MS. BARNETT: Your Honor, may I  
14 approach the witness?

15 THE COURT: You may.

16 Q. (BY MS. BARNETT) I'm going to show you,  
17 sir, what's marked for identification purposes as  
18 State's Exhibit No. 93. Can you take a look at that  
19 and tell me whether or not you can identify that  
20 phone?

21 A. Yes, I can.

22 Q. How can you identify it?

23 A. This is the phone that's been pawned and it  
24 also bears my initials on the inside.

25 Q. And does the phone have a SIM card in it?

1 A. No, it does not.

2 Q. What is a SIM card?

3 A. The SIM card to a cell phone is like the  
4 brains. It contains the information that allows the  
5 phone to communicate through the cell phone service.  
6 It also has memory, which can hold phone numbers,  
7 pictures.

8 Q. Without the SIM card in the phone, is it  
9 difficult or the same to make an identification from  
10 powering up the phone?

11 A. The phone -- my understanding of the phone  
12 from our digital lab is without the SIM card, it  
13 cannot power. You cannot get data for the phone.

14 Q. Did you show that phone to Christopher  
15 Faulk?

16 A. He did see the phone, yes.

17 Q. Was Christopher Faulk able to identify it?

18 MR. ROBERT LOPER: Object to that  
19 answer, Judge. It's calling for hearsay.

20 THE COURT: Sustained.

21 Q. (BY MS. BARNETT) Was anything done with  
22 that phone by you or anybody else with the Police  
23 Department after it was shown to Christopher Faulk?  
24 Did y'all throw it in some water? Toss it around?

25 A. No.

1 Q. What did you guys do it?

2 A. It was retained in the property room until  
3 it was released to the Court.

4 Q. And did you have an opportunity to speak  
5 with LaVincent's girlfriend?

6 A. Yes, I did.

7 Q. And in speaking with LaVincent's  
8 girlfriend, how many conversations did you have with  
9 her, ultimately?

10 A. Three.

11 Q. Okay. And your first conversation with  
12 her, did you tape her?

13 A. Yes, I did.

14 Q. Did she know as -- did you tell her she was  
15 being taped?

16 A. No, I did not.

17 Q. Why not?

18 A. Because at the time the information and the  
19 conversation went in such a manner that if she knew  
20 she had been taped, she wouldn't talk.

21 Q. All right. Is that --

22 MR. ROBERT LOPER: Judge, I'm going to  
23 object. That's assuming facts not in evidence.

24 THE COURT: Sustained.

25 MR. ROBERT LOPER: It's improper. Ask

1 the jury be instructed to disregard.

2 THE COURT: The jury will be  
3 instructed to disregard, not consider the last answer  
4 for any purpose.

5 MR. ROBERT LOPER: For record  
6 purposes, we'd ask for a mistrial.

7 THE COURT: Denied.

8 MR. ROBERT LOPER: Thank you.

9 Q. (BY MS. BARNETT) Are there some times you  
10 just make a judgment call on your own based on your  
11 experience on what you do with a witness?

12 A. Yes.

13 Q. Okay. I believe you just testified that  
14 you decided to tape-record her?

15 A. Yes, I did.

16 Q. And did she have -- did she consent to  
17 talking with you?

18 A. Yes, she did.

19 Q. Did she give you information that she knew,  
20 as far as you know?

21 A. Yes, she did.

22 Q. And did you have subsequent conversations  
23 with her after that?

24 A. Yes, I did.

25 Q. In the course of your subsequent

1 conversations with her after that, did you have to  
2 warn her or did you feel the need to warn her?

3 A. No, I did not.

4 Q. How is it that you learned about Kendrick?

5 A. Through my conversations with the  
6 girlfriend.

7 Q. Jufa?

8 A. Yes.

9 Q. And have you known about Kendrick -- had  
10 you known his name prior to your discussions with  
11 Jufa?

12 A. No, I did not.

13 MS. BARNETT: May I approach the  
14 witness?

15 THE COURT: You may.

16 Q. (BY MS. BARNETT) Sergeant Parker, I'm going  
17 to show you what's been used as a demonstrative aid,  
18 states Exhibit No. 92, ask if you can tell me whether  
19 or not State's Exhibit No. 92 is a firearm?

20 A. Yes, it is.

21 Q. Is it a deadly weapon?

22 A. Yes, it is.

23 Q. And is this consistent with the type of  
24 weapon that was used to shoot Joan Ogunleye in the  
25 head September 9th of 2010?

1           A.       Yes, it is.

2                        MS. BARNETT:  With that, Judge, we  
3 pass the witness.

4                        THE COURT:  All right.  Mr. Loper.

5                        MR. ROBERT LOPER:  Thank you, Judge.

6                                       **CROSS-EXAMINATION**

7       **BY MR. ROBERT LOPER:**

8           Q.       Sergeant Parker, good morning.

9           A.       Good morning.

10          Q.       Couple questions for you.

11                        Obviously you had a partner on this  
12 day, didn't you?

13          A.       Yes, I did.

14          Q.       That is Investigator Straughter, I believe?

15          A.       Yes, sir.

16          Q.       Okay.  I wanted to ask you about the  
17 videotape.  I understood you to say that you did not  
18 go to the scene on the night the incident was  
19 discovered, correct?

20          A.       That is correct.

21          Q.       So you did not review any scene videotape  
22 at the Walmart security center office or anything  
23 like that, correct?

24          A.       Correct, not inside the office.

25          Q.       You would have looked at it, I assume,

1 later on down at the Police Station or wherever a  
2 copy was brought, correct?

3 A. I did.

4 Q. Do you remember when you looked at that  
5 tape?

6 A. I reviewed that tape on, I believe, Monday,  
7 the 13th.

8 Q. Okay. A few days after the incident,  
9 correct?

10 A. That's correct.

11 Q. Okay. In looking at that videotape, it did  
12 not do anything to help you discover the identity of  
13 the persons involved, correct?

14 A. That is correct.

15 Q. Would you agree with that? Would you also  
16 agree that the videotape did nothing to even identify  
17 the gender of the individuals shown in the tape?

18 A. That's correct.

19 Q. Would you also agree that the tape did  
20 nothing to identify the race of the individuals?

21 A. That's correct.

22 Q. In talking about the phone records, you  
23 mention that in comparing the records --

24 MR. ROBERT LOPER: May I approach,  
25 Judge?

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Cross-Examination by Mr. Robert Loper

1                   THE COURT: You may.

2                   MR. ROBERT LOPER: Thank you. I'm  
3 sorry, Judge. I had a brain freeze there for a  
4 second.

5                   THE COURT: That's okay.

6                   MR. ROBERT LOPER: Cause I looked at  
7 these numbers.

8           Q.       (BY MR. LOPER) Sergeant Parker, in talking  
9 about these phone records, you had indicated when  
10 asked about phone calls made from a certain person to  
11 another person that, in fact, it was the telephones  
12 that made the calls, correct?

13           A.       That's correct. There is a person using  
14 the phone, but I can associate only the phone records  
15 themselves.

16           Q.       In other words, there's nothing -- by  
17 looking at this, there's nothing to indicate we knew  
18 who's making the phone calls at the times depicted,  
19 correct?

20           A.       That's correct.

21           Q.       If we were to say that LaVincent called  
22 Joan, we really don't know that, do we?

23           A.       That's why I said: The phone number  
24 associated to.

25           Q.       Okay. And the other thing that I wanted to

1 ask you about that is: Did you go through and  
2 determine, because it looks like we have one, two,  
3 three, four phone numbers highlighted, correct?

4 A. That's correct.

5 Q. Looks like it goes from September the 9th  
6 at 21:41 hours to September 9th, 22:37 hours, almost  
7 an hour, correct, between the two?

8 A. That's correct about.

9 Q. Did you go through and determine the  
10 identity of some of the other numbers that were  
11 called?

12 A. Yes, I did.

13 Q. You were specifically asked to look at the  
14 calls that were made by a phone that was affiliated  
15 or associated with LaVincent Donaldson, correct?

16 A. I don't understand what you mean, asked  
17 today? At the time --

18 Q. Today?

19 A. -- of the investigation?

20 Q. Today or in the investigation.

21 A. Both, but today, yes.

22 Q. Oh, there was one other question I wanted  
23 to ask you about. The calling number, the Called  
24 Number and the Dialed Digit, you said that it can  
25 occur that this third number may be here because

1       there could be some type of calling card used?

2           A.       On the records it will show a routed number  
3       on the records at times.  If you dial a phone number  
4       on a phone and it makes a connection and somebody's  
5       got Call Forwarding, it's going to go forward.  If  
6       there's a routed number, it's going to go forward.  
7       The phone that is connected is the one that is the  
8       Called Number in that column.

9           Q.       But if you had a cell phone calling a cell  
10       phone, how would a calling card get involved in that  
11       call?

12          A.       Well, it just depends on how you pay for it  
13       or how you route the numbers that are recorded by the  
14       phone company.

15          Q.       Okay.  Obviously, you work for the Police  
16       Department, not the phone company, right?

17          A.       That's correct.

18          Q.       But the information you're giving this jury  
19       is, I guess, from information you learned over the  
20       years in your training and experience?

21          A.       That, and classes and in talking to the  
22       people at the phone company themselves to understand  
23       the records that I'm reading.

24          Q.       When you talked to Christopher Faulk the  
25       first time, you stated that some of the things he

1 told you were true but that some of it was untrue,  
2 correct?

3 A. That is correct.

4 Q. Since you weren't at the scene and the  
5 videotape shows you nothing, you can't really be sure  
6 that what he told you in his last conversation, last  
7 interview, was correct, can you?

8 A. I know that a number of the pieces of  
9 information that he gave were correct.

10 Q. Some of the things that he said seemed to  
11 match up with what other people have said; is that  
12 what you're saying?

13 A. There's consistency in the information from  
14 him with other people, yes.

15 Q. Okay. But you can't say that you know of  
16 your own personal knowledge whether what he told you  
17 was the complete truth?

18 A. Only the things that I was able to verify.

19 Q. And you do recognize and remember the  
20 information that he was intoxicated on marijuana and  
21 bars that night, correct?

22 A. I know that only because that was said, not  
23 by any scientific method.

24 Q. Sure. You didn't have him in your presence  
25 that night, so you don't know that he was

1 intoxicated, but that's the information that you  
2 received?

3 A. Correct.

4 Q. But you would agree that if he was  
5 intoxicated to that extent, that's certainly going to  
6 impact a person's memory and ability to recall  
7 specific facts. Would you agree with that?

8 A. It's possible.

9 Q. And since he didn't give you any real  
10 specific facts about LaVincent Donaldson until  
11 December of 2010, that's about three months after  
12 this event, correct?

13 A. Based on your time, that would be correct,  
14 yes.

15 Q. Well, isn't December of 2010 when he  
16 supposedly finally gave you the real story about how  
17 this event occurred?

18 A. December the 1st.

19 Q. Weren't you at least a little bit intrigued  
20 that he could remember that much detail if he had  
21 been intoxicated as much as he said?

22 A. I have no idea what he could or couldn't  
23 remember. I do know that if somebody was present  
24 during an incident of such a nature, it would last in  
25 their memory a long time.

1           Q.       But you've acknowledged that if he were the  
2 person who fired the weapon, you really have no idea  
3 whether that's true or not, do you?

4           A.       I believe the information that was given to  
5 me by Christopher Faulk regarding what happened at  
6 the scene and which is consistent with other  
7 individuals, particularly one who was there at the  
8 scene also.

9           Q.       You're talking about Kendrick Jackson?

10          A.       That's correct.

11          Q.       You remember that Kendrick Jackson reported  
12 that he didn't see it happen at all, right?

13          A.       That's correct.

14          Q.       And so if Kendrick Jackson didn't see who  
15 fired inside the car, that doesn't really help you  
16 narrow it down that Christopher Faulk is telling the  
17 truth, does it?

18          A.       It does when Kendrick tells me what  
19 LaVincent told him.

20          Q.       So you are telling this jury that you  
21 believe Christopher Faulk's final version because  
22 it's consistent with what other witnesses have said,  
23 correct?

24          A.       That is correct.

25          Q.       But that's only what other witnesses have

1 said; would you agree with that?

2 A. That's correct.

3 Q. There is no ballistics evidence to  
4 corroborate that, right?

5 A. That is correct.

6 Q. There's no fingerprint evidence to  
7 corroborate that, is there?

8 A. I don't understand the question.  
9 Fingerprint evidence in regards to what?

10 Q. Did you find any fingerprints on any of the  
11 property recovered in this case?

12 A. On the complainant's vehicle.

13 Q. You're talking about LaVincent's  
14 fingerprint, aren't you?

15 A. That's correct.

16 Q. But you knew that he'd been a customer of  
17 hers for some time, right?

18 A. I have been told that, yes.

19 Q. Okay. So that wasn't that unusual that his  
20 fingerprint was found on her, was it?

21 A. The fact it was there. I have no idea when  
22 it'd been deposited. It's not unusual if somebody's  
23 in or out of a car that it would be there.

24 Q. Right. And that fingerprint could have  
25 been placed there at any time. You agree with that?

1           A.       That's correct.

2           Q.       And it would be different if these people  
3 had been complete strangers to find a fingerprint in  
4 an unknown place? You would agree with that,  
5 wouldn't you?

6           A.       Yes, I would.

7           Q.       Unknown suspect's fingerprint found inside  
8 my house and there's no correlation, that would be a  
9 different and unique situation, wouldn't it?

10          A.       Yes, it would.

11          Q.       So this fingerprint wasn't all that highly  
12 corroborative of Christopher Faulk's statement, was  
13 it?

14          A.       Not knowing when the fingerprint was  
15 deposited, yes, it does corroborate what he says.

16          Q.       Now, Christopher Faulk said that when the  
17 shot was fired, it was fired from the backseat,  
18 didn't he?

19          A.       Yes, he did.

20          Q.       But you remember and recall that the  
21 fingerprint was found outside the front passenger  
22 door, correct?

23          A.       That's correct.

24          Q.       Okay. I left off at fingerprint. You  
25 would agree that there was no DNA evidence that would

1 corroborate what Christopher Faulk said, correct?

2 A. There is no DNA evidence I'm aware of that  
3 was located or tested.

4 Q. None of the video surveillance tape can  
5 help you corroborate what Christopher Faulk said,  
6 correct?

7 A. In listening to his story and looking at  
8 the video, I find what he said to be on the video.  
9 In other words, there are the same number of  
10 individuals. The individuals enter the same area of  
11 the car. Can I tell on the video exactly who is  
12 that? No.

13 Q. You can't tell who got in the car because  
14 you can't see who they are, right?

15 A. That's correct.

16 Q. And obviously you can't tell who fired a  
17 gun, if a gun was fired, in that moment, right?

18 A. From the video, no, sir.

19 Q. And so there's nothing there to corroborate  
20 Christopher Faulk's story that LaVincent is the one  
21 that fired the weapon, right?

22 A. I have nothing from the video, no.

23 Q. There's nothing from the still photos  
24 either, obviously, correct?

25 A. Correct.

1 Q. You were talking about -- oh, one more  
2 thing about the phone that you took apart.

3 It appeared that you kind of pulled it  
4 apart a little bit to determine whether you could  
5 identify State's Exhibit 93; is that right?

6 A. That's correct.

7 Q. Is that because you were looking for your  
8 initials that you placed on it?

9 A. That's correct.

10 Q. When you showed that to Christopher Faulk,  
11 he could tell you it looked like Joan's phone, but he  
12 couldn't say it was Joan's phone, could he?

13 A. That's correct.

14 Q. He said there was some damage to it that he  
15 didn't know about, right?

16 A. He said there was something he thought was  
17 on her phone, yes.

18 Q. So you wouldn't be able to say in your  
19 capacity as an investigator in this case that  
20 Christopher Faulk ID'd that phone as Joan's, could  
21 you?

22 A. No, sir, I did not say that.

23 Q. Right. When you spoke to LaVincent's  
24 girlfriend, you taped the first interview, correct?

25 A. I did.

1 Q. Did you tape the next two interviews that  
2 you had with her?

3 A. Yes, I did.

4 Q. Okay. So you taped every interview you had  
5 with her?

6 A. That's correct.

7 Q. Okay. And you would agree in the first  
8 interview that she gave, without going into what she  
9 said, that she gave information that would appear to  
10 have been incriminating to LaVincent, correct?

11 A. That is correct.

12 Q. In the subsequent interviews that you had  
13 with her, she appeared to tell you different facts;  
14 is that also correct?

15 A. Only in one.

16 Q. Only in one. That -- would that have been  
17 the third interview?

18 A. That is correct.

19 Q. Okay. And you documented all of those  
20 interviews in your offense report, didn't you?

21 A. Yes, sir, I did.

22 Q. When you talked to her on the third  
23 occasion and she gave you some different facts about  
24 LaVincent, did you tell her whether you believed her  
25 or didn't believe her?

1 A. Yes, I did.

2 Q. Okay. And you had chosen to disbelieve the  
3 last version that she gave you, didn't you?

4 A. That's correct.

5 Q. Because you had already made the decision  
6 that Christopher Faulk was telling the truth and that  
7 LaVincent must be guilty, right?

8 A. No, sir, that's not why.

9 MR. ROBERT LOPER: That's all I have,  
10 Judge. Pass the witness.

11 THE COURT: Anything further?

12 MS. BARNETT: Couple questions, Judge.

13 **REDIRECT EXAMINATION**

14 **BY MS. BARNETT:**

15 Q. When Christopher Faulk tells you the story  
16 that he tells you, is it consistent with the multiple  
17 trips to the car?

18 A. Yes, it is.

19 Q. Okay. His main -- the thing that he is not  
20 truthful with you about is himself and the different  
21 players, right?

22 A. That is correct.

23 Q. Was he consistent as far as the first time  
24 they sat on the front seat, LaVincent sat in the  
25 front seat and the second time, he was in the

1 backseat?

2 A. I believe that. At least the fact that  
3 LaVincent would have been in the front seat the first  
4 time or at some point.

5 Q. Okay. Now, do you recall when the prints  
6 were submitted for identification, as far as whose  
7 prints they were, do you recall when that happened?

8 A. I know -- without reading, I don't have  
9 exact date. I know that there were fingerprints  
10 taken at the time the vehicle was processed at the  
11 print stall. I know my partner made a request for  
12 certain things to be checked for fingerprints and  
13 identified. And the end result, there was an  
14 identification on some of the prints.

15 Q. All right. But do you know when that  
16 identification was done? Was it done around the time  
17 in 2010 or was it done 2012 or do you recall?

18 A. Without reading the offense report, I don't  
19 have the exact date. I don't recall whether the turn  
20 of the year occurred or not.

21 Q. Okay. I guess what I'm saying is in 2010  
22 when the offense happened, prints were taken from the  
23 vehicle?

24 A. Correct.

25 Q. Now, I guess the procedure is you have to

1 request that those prints be compared to people,  
2 right?

3 A. Either compared to people or placed in a  
4 database to be verified if the prints are usable,  
5 yes.

6 Q. All right. Do you know when that was done?

7 A. Wednesday, September 22nd, my partner made  
8 a request for fingerprints to be compared to two  
9 individuals.

10 Q. All right. Do you know when the results  
11 were done?

12 A. I document on February 20th of 2012, the  
13 report that the fingerprint lab had done identifying  
14 fingerprints. I don't -- I don't know the exact date  
15 without the report -- without the exact report and  
16 date that they did it, that they reported it.

17 Q. Okay. So I guess in September of 2010 is  
18 when your partner requested that the prints be  
19 identified, right?

20 A. Correct.

21 Q. And latent lab or the print people do --  
22 actually do the print -- do the report in February of  
23 2012, right?

24 A. Well, I documented when I got it. They may  
25 have done it.

1 Q. Okay. I guess the point is: You didn't  
2 know -- before you saw the report, you didn't know  
3 what the results were, did you?

4 A. No, I didn't, not until I saw the report.

5 Q. All right. And the report as it's printed  
6 out where the prints came from on the front passenger  
7 window is consistent with what Christopher Faulk told  
8 you, isn't it?

9 A. Yes, it is.

10 Q. Back in September of 2010?

11 A. That's correct.

12 Q. Then that wasn't confirmed until February  
13 of 2012?

14 A. Correct.

15 Q. You also -- you're the one that spoke with  
16 or through y'all's investigation, you spoke with Paul  
17 Copeland, did you not?

18 A. Through the investigation, yes.

19 Q. He had information about -- or he had a  
20 conversation with LaVincent Donaldson, did he not?

21 A. That's my understanding, yes.

22 MS. BARNETT: Pass the witness.

23 THE COURT: Anything further?

24 MR. ROBERT LOPER: No, Judge, no  
25 further questions.

1                   THE COURT: Thank you. You may step  
2 down.

3                   If you'll call your next.

4                   MS. BARNETT: At this time, the State  
5 rests.

6                   THE COURT: The State rests?

7                   MS. BARNETT: Oh, Judge, I'm sorry.  
8 We want to introduce into evidence under 1006, the  
9 compilation by the officer that was marked.

10                  THE COURT: You know, each afternoon I  
11 have done other things, I have not looked. So I'll  
12 look again.

13                  MS. BARNETT: And with that, the State  
14 rests.

15                  THE COURT: Ladies and gentlemen, I'm  
16 going to ask you to step back to the jury room. I  
17 think it's just going to be about four minutes, five  
18 minutes.

19                  **(Jury leaves courtroom.)**

20                  THE COURT: The State having rested,  
21 what says the defense?

22                  MR. ROBERT LOPER: Judge, first thing  
23 I need to do is renew our request from last week  
24 regarding some Grand Jury testimony. We had filed a  
25 motion to produce the Grand Jury testimony of Jufa