

1 THE COURT: Okay. Swear her in.

2 (Witness sworn)

3 THE WITNESS: I speak truth.

4 THE BAILIFF: Have a seat in this chair  
5 right here.

6 THE COURT: What did she say?

7 THE BAILIFF: Ma'am, what did you say?

8 THE WITNESS: I speak truth.

9 THE COURT: Okay. Okay. Sorry.

10 Ms. Cooper.

11 MS. COOPER: Thank you, Your Honor.

12 **KAMUD PATEL,**

13 having been first duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MS. COOPER:**

16 Q. Ma'am, can you please introduce yourself to the  
17 members of the jury?

18 A. I'm Kamud Patel.

19 Q. Okay. If you can pull that microphone down so  
20 that you can speak into it.

21 A. I'm Kamud Patel. I'm from Clear Lake Regional  
22 Medical Center. I'm a lab assistant.

23 Q. Okay.

24 A. I'm drawing blood.

25 Q. Okay. If you will just remember what we talked

1 about, let me ask you a question and then you have to  
2 answer the question. Okay?

3 A. Okay.

4 Q. Okay. You said that you're employed at Clear  
5 Lake Regional Hospital?

6 A. Yes, ma'am.

7 Q. How long have you been employed there?

8 A. Since 2006.

9 Q. Do you -- did you go to school?

10 A. Yes, ma'am.

11 Q. And what -- tell the members of the jury about  
12 your education and your training.

13 A. I'm a phlebotomist. I went to Kemah Medical  
14 Center Training School. And I have certificate for  
15 phlebotomy. I've been drawing blood since almost eight  
16 years.

17 Q. So, you went to Kingwood Medical Center?

18 A. No. Kemah Medical Center.

19 Q. Kemah Medical Center. And you're a  
20 phlebotomist?

21 A. Yes, ma'am.

22 Q. What is a phlebotomist? What is a  
23 phlebotomist?

24 A. Drawing blood.

25 Q. Okay. Do you draw blood at Clear Lake Regional

1 Hospital?

2 A. Yes.

3 Q. Do you draw blood for medical purposes?

4 A. Yes, ma'am.

5 Q. When --

6 A. And DWI cases.

7 Q. Okay. So, whenever a doctor or a nurse needs  
8 blood drawn, is it your job to go draw the blood?

9 A. Yes, ma'am.

10 Q. And, also, sometimes do police officers bring  
11 people into the hospital to have their blood drawn as  
12 well?

13 A. Yes, ma'am.

14 Q. How many blood draws have you conducted during  
15 the eight years that you've been employed at Kingwood --  
16 or Clear Lake Regional Hospital?

17 A. More than 5,000.

18 Q. Okay. Do you have a certificate to be a  
19 phlebotomist?

20 A. Yes, ma'am.

21 Q. Okay. And that was the school that you went  
22 through at the Kemah --

23 A. Kemah Medical Center.

24 Q. How long of a schooling is that?

25 A. Six months.

1 Q. Okay. And do you get a certificate at the end?

2 A. Yes, ma'am.

3 Q. In addition to blood draws, do you do anything  
4 else at Clear Lake Regional Hospital?

5 A. Yes. We receive -- we process blood specimens  
6 and we answer phones. We fax the doctors the results  
7 and stuff like that.

8 Q. Okay. I want to talk to you -- you said you've  
9 done thousands, about 5,000 blood draws. Is that right?

10 A. Yes, ma'am.

11 Q. So, do you remember every blood draw that you  
12 do?

13 A. Not really.

14 Q. Okay. You see a lot of people; is that fair to  
15 say?

16 A. Yeah.

17 Q. You draw a lot of different people's blood?

18 A. Uh-huh.

19 Q. You have to answer "yes" or "no."

20 A. I cannot recognize all blood I draw, but I'm  
21 drawing blood for whatever we got order from doctors.

22 Q. Okay. Now, whenever you draw blood for police  
23 officers that come into the hospital, do they provide  
24 their own tubes?

25 A. Yes, ma'am.

1 Q. And are those gray-top tubes?

2 A. Yes, ma'am.

3 Q. Do you know the difference between all the  
4 different colored top tubes?

5 A. Yes.

6 Q. Explain to the jury about how many different  
7 color top tubes there are.

8 A. We have -- we have gray top and green top for  
9 chemistry tests, lavender top for hematopathology, a  
10 blue top for coagulation, gray top for alcohol testing.

11 Q. What is the significance of the gray-top tubes?

12 A. They just put -- they have white powder at the  
13 end of tube, at the bottom I mean, and the police  
14 officer shakes after we finish. We hand it over to them  
15 and they shake tube.

16 Q. Okay. So, the gray-top tubes have a powder in  
17 them at the bottom --

18 A. DWI police bring tubes they have.

19 Q. And that powder is a anti-coagulant; is that  
20 what you said?

21 A. I don't know much more about that powder.

22 Q. Okay. But you know that it's important when  
23 blood is being drawn for law enforcement purposes, that  
24 they use a gray-top tube with the powder in it; is  
25 that --

1 A. Uh-huh.

2 Q. -- is that right?

3 A. Yes.

4 MS. COOPER: May I approach the witness,  
5 Judge?

6 THE COURT: Yes.

7 Q. (By Ms. Cooper) I want to talk to you  
8 specifically about July 26th of 2010. Do you remember  
9 that day from any other day?

10 A. Yeah, but I don't know which patients' blood I  
11 draw for these DWI tests.

12 Q. So, that -- July 26th, 2010, that doesn't  
13 mean -- that day is no different from any other day to  
14 you; is that right?

15 A. Yeah, it's the same.

16 Q. Okay. And you don't recognize this defendant  
17 sitting over in the blue shirt, do you?

18 A. No, ma'am.

19 Q. Okay. But whenever you do draw blood for law  
20 enforcement purposes, are there forms that you fill out  
21 and that you sign that are provided to you by the  
22 officers?

23 A. Yes.

24 Q. All right. I want to show you first State's  
25 Exhibit 72. This is a DIC-24 form provided by Officer

1 Egdorf. Actually, I'm sorry. I want to -- let me  
2 switch to State's Exhibit No. 73. I apologize.

3 We're looking at a PHP-51 form that is  
4 provided by Officer Egdorf. And whose name is written  
5 on the bottom of that form (indicating)?

6 A. That is my name, Kamud Patel.

7 Q. Okay. And are you listed as the person who  
8 drew the blood in this particular case?

9 A. Yeah, lab assistant.

10 Q. All right. Whenever you draw blood for  
11 officers, is it the same in every case?

12 A. Yeah.

13 Q. Every time you draw blood for a police officer,  
14 you do it the same way?

15 A. Yes, same way.

16 Q. Okay. When a police officer brings someone in  
17 for their blood to be tested, do they bring with them a  
18 blood kit?

19 A. Yes.

20 Q. And inside of that kit, are there blood tubes?

21 A. Yes.

22 Q. And are there also -- there's an iodine swab to  
23 clean the area before you --

24 A. Yes.

25 Q. -- draw the blood?

1           Okay. So, why is it important to clean the  
2 area with iodine on the --

3           A. Because most time we use alcohol swab, but when  
4 we drew blood for these purpose, we don't use alcohol  
5 swab because this is alcohol testing.

6           Q. So, if there were --

7           A. If we use alcohol swab, it comes positive.  
8 That's why we don't use alcohol.

9           Q. Okay.

10          A. And we use iodine.

11          Q. So, you use the Betadine solution that's  
12 provided by the officers. And what do you do before you  
13 draw the blood?

14          A. We clean the site with that iodine and then we  
15 draw blood.

16          Q. Okay. And when you draw the blood, do you just  
17 stick the needle in the arm?

18          A. Uh-huh.

19          Q. And is there like a little -- what is connected  
20 to the needle?

21          A. It's like butterfly -- it's butterfly needle  
22 with butterfly style of wire. And we add --  
23 (inaudible) -- and we push tube in it.

24          Q. And the blood comes out and you fill up  
25 sometimes one and in some cases two vials of blood; is



1 that right?

2 A. Yeah.

3 Q. I want to show you underneath the sticky, can  
4 you tell me whose signature is on the (indicating) --

5 A. That is mine.

6 Q. Okay. And we're looking at the contents of  
7 State's Exhibit No. 74. On one of the blood vials, your  
8 signature is on there?

9 A. Uh-huh.

10 Q. "Yes" or "no"?

11 A. Yes.

12 Q. Okay. And that means that you drew the blood  
13 in this case?

14 A. Yes.

15 Q. And the second blood vial that's contained  
16 within State's Exhibit No. 74, we've also looked at  
17 this. It's tearing off a little bit, but whose  
18 signature is on --

19 A. That is my signature, too.

20 Q. Okay. And when you drew the blood in this  
21 particular case, did you -- I know you don't have an  
22 independent memory of it, but you do it the same way  
23 every time?

24 A. Yes.

25 MS. COOPER: I pass the witness.

1 THE COURT: Ms. Beck.

2 MS. BECK: I have no questions, Your Honor.

3 THE COURT: You may step down, ma'am.

4 THE WITNESS: Thank you.

5 THE COURT: Let's take a break. Please  
6 retire to the jury room.

7 (Recess)

8 (Open court, defendant present, no jury)

9 MS. BARD: Your Honor, the next two  
10 witnesses are here if you want to get them sworn in real  
11 quick.

12 (Witnesses sworn)

13 THE COURT: Who is first?

14 MS. BARD: Mr. Collins.

15 THE COURT: All right.

16 (Open court, defendant and jury present)

17 THE COURT: All right. Be seated.

18 State, call your next witness for purposes  
19 of the record.

20 MS. BARD: Your Honor, the State calls Mark  
21 Collins to the stand.

22 THE COURT: All right. Go ahead.

23 **MARK COLLINS,**

24 having been first duly sworn, testified as follows:

25 **DIRECT EXAMINATION**