

1           MR. ASLETT: Your Honor, may I ask for a brief recess  
2 to see that our fingerprint expert has finished his comparison.  
3 He will be our next witness.

4           (Pause.)

5           MR. ASLETT: Your Honor, the State calls Deputy  
6 Payavla.

7           THE COURT: You may proceed.

8           MR. ASLETT: Thank you, your Honor.

9                                 DEPUTY D. PAYAVLA,  
10 having been duly sworn, testified as follows:

11                                 DIRECT EXAMINATION

12 BY MR. ASLETT:

13           Q. Sir, would you please tell the Court your name.

14           A. My name is Dimitri Payavla.

15           Q. Mr. Payavla, what do you do for a living?

16           A. I work for the Harris County Sheriff's Office in the  
17 crime scene unit as a latent print examiner.

18           Q. What do you do exactly as a latent print examiner  
19 with the crime scene?

20           A. I enter fingerprints into our databases looking for  
21 possible identifications as well as making manual comparisons  
22 from knowns to unknown prints as well.

23           Q. How long have you worked in the fingerprint unit?

24           A. I've been working -- I've been comparing fingerprints  
25 for 20 years. I've been working latent prints for a little bit

1 over 8 years.

2 Q. All with Harris County Sheriff's Office?

3 A. All with Harris County, yes.

4 Q. Tell us what sort of training you have to undergo to  
5 become a fingerprint examiner.

6 A. Well, recently I was certified as a latent print  
7 examiner through the International Association for  
8 Identification. That's a world known organization for  
9 forensics. Also I've attended many classes in latent prints,  
10 complex latent prints, palmprints.

11 Q. As part of your certification process do you have to  
12 go through continuing education?

13 A. Yes.

14 Q. Now, have you testified before in court as a  
15 fingerprint expert?

16 A. Yes.

17 Q. On few or many occasions?

18 A. Many.

19 Q. Tell us -- have you ever known in your training and  
20 experience two people to have the same fingerprints?

21 A. No.

22 Q. Tell us what a latent print is.

23 A. A latent print is a hidden or not visible print, but  
24 through the process of chemicals and powders you're able to  
25 visually see.

1 Q. And tell us what an inked print is?

2 A. An inked print is a reproduction of your friction  
3 ridge skin, and by using a black printers ink and placed on a  
4 contrasting back, or white background, you're able to visually  
5 see it?

6 Q. Is it possible to take a latent print that you might  
7 recover from a crime scene or legal document and compare it to  
8 an inked print from a known suspect?

9 A. Yes.

10 Q. Have you personally done that?

11 A. Yes.

12 Q. Tell us just very briefly and generally about the  
13 process that you go through to compare two fingerprints to see  
14 if they match.

15 A. Well, I place the known and the unknown print side by  
16 side, and what I'm looking for, I'm looking for similarities as  
17 far as pattern types, friction ridges, the overall totality of  
18 the print and the flow of the ridges as well as shapes and  
19 sizes of the ridges.

20 MR. ASLETT: Permission to approach the witness, your  
21 Honor?

22 THE COURT: You may.

23 Q. (By Mr. Aslett) Deputy, I'm going to show you what  
24 I'm marking now as State's Exhibit 147. Could you tell the  
25 jury -- I'm sorry -- could you tell the Court what this is?

1 A. This is an inked fingerprints.

2 Q. Okay. And who -- when did you make this inked  
3 fingerprint card?

4 A. Approximately 10:40 this morning.

5 Q. Okay. And whose fingerprints did you take?

6 A. The individual to my right wearing an orange top.

7 MR. ASLETT: Your Honor, may the record reflect that  
8 the witness has identified Dean Wood.

9 THE COURT: The record will so reflect.

10 Q. (By Mr. Aslett) So you personally took these  
11 fingerprints from Dean Wood?

12 A. Yes.

13 Q. Okay. And which fingerprints of his did you take?

14 A. I took both thumbs, finger one, finger six, and also  
15 the right index finger, which is finger no. 2.

16 MR. ASLETT: Your Honor, at this time State would  
17 like to offer into evidence the inked, known inked fingerprint  
18 card from the defendant, State's Exhibit 147.

19 MR. BYNUM: No objections. I saw him do it, Judge.

20 THE COURT: State's 147 is admitted without  
21 objection.

22 Q. (By Mr. Aslett) Did you compare the known inked  
23 prints from the defendant on that card to other fingerprints?

24 A. Yes.

25 MR. ASLETT: Permission to approach the witness

1 again, your Honor?

2 THE COURT: You may.

3 Q. (By Mr. Aslett) For the record, I'm now showing you  
4 what's been marked as State's Exhibits 126, 130, 131, 132, 134,  
5 135, 136, 137, 138, 139, 140, 141, 142, 143, 145, and 144.  
6 Deputy, do you recognize these documents?

7 A. Yes.

8 Q. And could you just tell us generally what the series  
9 of documents I've just handed you are.

10 A. When I did my comparison there was a series of  
11 judgment and sentences which shows the individual's name, the  
12 conviction, and the sentencing or the time as well as a  
13 penitentiary packet, which is when the person is incarcerated  
14 at the Department of Corrections. It has a description of the  
15 J&S as well as fingerprints and a photograph.

16 Q. And particularly State's Exhibit 144, could you tell  
17 us what this is?

18 A. These are the individual jail cards showing various  
19 charges with the dates and the cause numbers.

20 Q. Could you tell us generally what a jail card is and  
21 how it's generated.

22 A. A jail card is generated when an individual is booked  
23 into the Harris County or -- for example, this is the Harris  
24 County jail, and it shows a description, shows which charges,  
25 as well as the fingerprints, or thumb prints.

1 Q. And do they -- does it show the date and the cause  
2 numbers of the various charges that a defendant was booked on  
3 above those fingerprints?

4 A. Yes.

5 Q. Okay. Now, do current and recent Harris County  
6 judgments have fingerprints physically on them as part of the  
7 judgment and sentence?

8 A. Yes.

9 Q. Was that always the case, where fingerprints were?

10 A. As long as I've been working for the department for  
11 23 years I've seen 'em.

12 Q. If a judgment either has a bad fingerprint on it or  
13 no fingerprint, is it possible to connect up that judgment and  
14 sentence to the fingerprints under which that person was booked  
15 on the same cause number to know that that individual who was  
16 booked is the same person who later pled on the case?

17 A. Yes, by the cause number.

18 Q. Okay. And have you reviewed all of these judgments  
19 and sentences, the attached fingerprints, the penitentiary  
20 packets and the jail cards in those exhibit numbers that I've  
21 described to you?

22 A. Yes.

23 Q. And do the inked fingerprints that you took from the  
24 defendant match the judgments and sentences, the jail cards,  
25 the penitentiary packets of these State's exhibits that you've

1 just described?

2 A. The ones I were able to compare, yes. There were a  
3 few that did not have prints on them, of course I was not able  
4 to compare. There was one that had a lot of distortion to the  
5 prints I was not able to compare to. But the ones that were of  
6 quality for identification, yes, I was able to compare them.

7 Q. And the ones that you were able to compare, are those  
8 the ones that I've shown you just now, the ones where we have  
9 the gaps in the State exhibits numbers?

10 A. Yes.

11 Q. Okay. And is it your expert opinion that the prints  
12 on these judgments and sentences in the jail cards and the  
13 penitentiary packets are prints of the same person that you  
14 took the inked fingerprints from, that is the defendant Dean  
15 Wood?

16 A. Yes.

17 MR. ASLETT: Your Honor, at this time State moves to  
18 admit State's Exhibits 126; 130; 131, which are certified  
19 copies of judgments and sentences from Harris County courts;  
20 State's Exhibit 134, which is our business -- is a business  
21 record affidavit that's been on file 14 days prior to trial,  
22 which contains fingerprint records and judgment s and sentences  
23 from Jefferson County, Texas; State's Exhibit 135, which is a  
24 certified judgment and sentence from Harris County; State's  
25 Exhibits 136, which is also a certified judgment and sentence

1 from Harris County; State's Exhibit 137, which is a  
2 penitentiary packet from Dean Wood certified; 138 which is also  
3 a certified penitentiary packet; and State's Exhibit 139, 140,  
4 141, 143, 142, 145, which are certified judgments and sentences  
5 of Dean Wood from Harris County courts, along with the attached  
6 indictments and complaints as well as State's Exhibit 144,  
7 which is the jail card records for the defendant along with an  
8 attached business records affidavit which was noticed to  
9 Defense counsel and has been on file 14 days prior to trial.  
10 And I'm tendering all of this to Defense counsel for  
11 inspection.

12 MR. BYNUM: We have no objection, Judge.

13 THE COURT: State's 126, 130, 131, 132, 134, 135,  
14 136, 137, 138, 139, 140, 141, 142, 143, 144, and 145 are  
15 admitted without objection.

16 MR. ASLETT: Your Honor, I can read these into the  
17 record or I can give them to you to review, however you want  
18 to.

19 THE COURT: I'm happy to just look at them.

20 Do you have anything further of this witness?

21 MR. ASLETT: Very briefly, Judge.

22 Q. (By Mr. Aslett) Deputy, I'm showing you now what's  
23 been marked as State's Exhibits 127, 128, 129, and 133. Are  
24 these the judgments and sentences for which you were not able  
25 to find fingerprints or were not able to cross-reference to the

1 jail cards under which the defendant was booked?

2 A. Yes.

3 Q. Okay.

4 MR. ASLETT: Your Honor, at this time I would like to  
5 offer into evidence State's Exhibits 127, 128, 129 and 133.  
6 Although there are no fingerprints linking these to the  
7 defendant, we do have identifiers that make it reasonably  
8 likely that they are the defendant. All of them state that  
9 they are Dean Jerome Wood which is, in fact, the defendant's  
10 name, and one of these, the DWI third from Jefferson County,  
11 Texas, I believe can be cross-referenced to the penitentiary  
12 packet which references this J&S, but I would ask that these be  
13 admitted because of the similarity, the exact name being Dean  
14 Jerome Wood, and State's Exhibit 133 because it is referenced  
15 in the penitentiary packet. And I tender to defense counsel  
16 for inspection.

17 MR. BYNUM: Judge, unless I'm missing something, if  
18 he can't -- if this fingerprint expert can't identify him by  
19 fingerprint, then we object to the relevance.

20 THE COURT: Sustained. 127, 128, 129 and 133 are not  
21 admitted.

22 MR. ASLETT: Pass the witness, your Honor.

23 THE COURT: Cross-examination?

24 MR. BYNUM: No questions, Judge.

25 THE COURT: Deputy, thank you so much for coming