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**EXHIBITS OFFERED BY STATE**

NUMBER	DESCRIPTION	OFFERED	ADMITTED
18	Judgment and Sentence	13 v5	13 v5
19	Judgment and Sentence	13 v5	13 v5
20	Judgment and Sentence	13 v5	13 v5
21	Judgment and Sentence	13 v5	13 v5

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**P-R-O-C-E-E-D-I-N-G-S**

THE COURT: Okay. Thank you.

So is the State ready to proceed?

MS. OSWALD: Yes, Your Honor.

THE COURT: Defense ready to proceed?

MS. BROWN: Yes, Your Honor.

THE COURT: Thank you. State call your first witness.

MS. OSWALD: The State calls Deputy Payavla to the stand.

THE COURT: All right. From the State, please.

**DIMITRY PAYAVLA,**

having been first duly sworn, testified as follows:

**DIRECT EXAMINATION**

BY MS. OSWALD:

Q. Deputy, will you please introduce yourself to the jury and spell your first and last name?

A. Yes. My name is Dimitry Payavla, D-i-m-i-t-r-y, P-a-y-a-v-l-a.

Q. Who are you currently employed with?

A. I work for the Harris County Sheriff's Office.

Q. And what division do you work in of the sheriffs office?

A. I work in the Crimes Unit as a latent print

1 examiner.

2 Q. And how long have you been with the sheriff's  
3 office?

4 A. A little bit over 24 years.

5 Q. How long have you been examining latent prints?

6 A. I've been examining latent prints for almost  
7 ten years.

8 Q. And what kind of training and experience do you  
9 have -- have you had to be a latent print examiner?

10 A. Well, first, I'm certified as a latent  
11 fingerprint examiner through the International  
12 Association for Identification. With that, we have to  
13 take so many hours in different classes. I've taken the  
14 basic fingerprinting class provided, put on by the FBI.  
15 I've taken a complex latent print fingerprint class, as  
16 well as a palm print fingerprint class; and also, a  
17 digital photography which we are capturing fingerprints.

18 Q. And do you have to be updated or recertified in  
19 your examination or certification of latent prints?

20 A. Every five years.

21 Q. Okay. And are you up to date on that  
22 certification?

23 A. Yes.

24 Q. Have you had a chance to fingerprint a person  
25 by the name of Jerry Mac Cameron today in this

1 courtroom?

2 A. Yes.

3 Q. And can you identify the person that you  
4 fingerprinted today that you know as Jerry Mac Cameron  
5 using an article of clothing?

6 A. To my right wearing a blue shirt, it looks like  
7 a blue tie and a brown blazer.

8 MS. OSWALD: May the record reflect that  
9 the witness has positively identified the defendant?

10 THE COURT: The record will so reflect.

11 MS. OSWALD: May I approach, Your Honor?

12 THE COURT: You may.

13 Q. (BY MS. OSWALD) I'm handing you what's been  
14 marked as State's Exhibit 22 and State's Exhibit 23. Do  
15 you recognize these?

16 A. Yes.

17 Q. And how do you recognize these?

18 A. These are inked fingerprints that I took  
19 earlier.

20 Q. And how many are in State's Exhibit 22?

21 A. Two.

22 Q. And how many fingerprints are in State's  
23 Exhibit 23?

24 A. Three.

25 Q. And are these the fingerprints from Jerry Mac

1 Cameron?

2 A. Yes.

3 Q. And why did you end up taking two separate  
4 cards of fingerprints?

5 A. Well, looking over the documents that contained  
6 the fingerprints I was trying to capture the area and I  
7 was able to do my comparison. And after seeing the  
8 first set of prints to compare, I wasn't able to make  
9 identifications. With the other copies provided, I had  
10 to go back and recapture his prints and do my  
11 comparison.

12 Q. Okay. So you took the fingerprints in State's  
13 Exhibit 22 and State's Exhibit 23 and compared them to  
14 documents provided by myself, is that right?

15 A. Yes.

16 Q. And how many documents did you compare the  
17 defendant's fingerprints to today?

18 A. Three.

19 Q. And were you able to make an identification in  
20 those three documents?

21 A. Yes.

22 Q. And how did you do that? How did you go about  
23 making a comparison?

24 A. Well, I had to go back to my office and use  
25 what we have -- what we call an enlarger or a comparer.

1 Basically what it is, it was a better contrasting  
2 brightness of light. Due to the courtroom not having  
3 sufficient amount of lighting, I took it back to the  
4 office and used it to compare.

5           What I do is I place them side by side  
6 with the known that I took earlier versus what's on the  
7 documents. From there we look for minutiae, which is  
8 the characteristics that each and every one of us do  
9 have. What separates us from each other is the  
10 minutiae, as well as pattern types. So I did my  
11 comparison looking for the characteristics. What I  
12 found, I found a sufficient amount of characteristics.  
13 I was able to make my conclusion.

14           MS. OSWALD: Your Honor, may I approach?

15           THE COURT: You may.

16           Q. (BY MS. OSWALD) I'm handing you what's been  
17 marked as State's Exhibit 18, State's Exhibit 20 and  
18 State's Exhibit 21. Do you recognize these exhibits?

19           A. Yes.

20           Q. And how do you recognize them?

21           A. They're judgments and sentencing.

22           Q. And looking at State's Exhibit 18,  
23 specifically, page 2, were you able to compare the  
24 fingerprint on page 2 of State's Exhibit 18 with one of  
25 the fingerprints you took in State's Exhibit 22 or 23?

1 A. Yes.

2 Q. And you used the enlarger, is that right?

3 A. Compared, yes.

4 Q. And when you were able to make that comparison  
5 match did you sign your initials and the date in which  
6 you made that match?

7 A. Yes.

8 Q. And is that here on State's Exhibit 18?

9 A. Yes.

10 Q. Whose initials are below that, below your  
11 initials?

12 A. It's Roy Reed, who is another latent print  
13 examiner who verified my findings.

14 Q. Okay. And is that common to have a person  
15 verify your findings?

16 A. Due to the quality of these prints, yes.

17 Q. So he also looked at these prints and made sure  
18 it was a correct comparison?

19 A. Correct.

20 Q. So it was a positive identification with Jerry  
21 Mac Cameron in State's Exhibit 18, is that correct?

22 A. Correct.

23 Q. Now, looking at State's Exhibit 20,  
24 specifically the second page of State's Exhibit 20.  
25 Were you able to compare that print, the right thumb

1 print with the right thumb print that you took of Jerry  
2 Mac Cameron today?

3 A. Yes.

4 Q. And did you make the same notation with your  
5 initials next to that thumb print?

6 A. Yes, I did.

7 Q. Did the verifying deputy also make the same  
8 comparison?

9 A. For the record, he's a latent print examiner.  
10 He's a civilian. But, yes, he did.

11 Q. Oh, he's a latent print examiner. Thank you  
12 for the correction.

13 And the other latent print examiners are  
14 confident that it's the same person, Jerry Mac Cameron,  
15 that's in State's Exhibit 20?

16 A. Yes.

17 Q. Now, looking at State's Exhibit 21,  
18 specifically this second page, were you able to compare  
19 that thumb print that's on State's Exhibit 21 with those  
20 that you took today of Jerry Mac Cameron?

21 A. Yes.

22 Q. And did you make -- and did you get a match  
23 with Jerry Mac Cameron with those thumb prints taken on  
24 this judgment and sentence?

25 A. Yes.



1 Q. Did you make the notation here?

2 A. Yes.

3 Q. And did the other latent print examiner also  
4 make a notation?

5 A. Yes.

6 Q. So you're positive that it's also -- this J & S  
7 is also this Jerry Mac Cameron that we have here in  
8 court?

9 A. Yes.

10 MS. OSWALD: Offering State's Exhibits 18,  
11 20, and 21 to defense counsel at this time, as well as  
12 the Exhibit 19 which is all of State's Exhibit 18, the  
13 final judgment and sentence.

14 MS. BROWN: I have no objection, Your  
15 Honor.

16 THE COURT: Thank you. State's 18 through  
17 21 are admitted.

18

19 MS. OSWALD: Permission to publish at this  
20 time, Your Honor?

21 THE COURT: You may publish.

22 Q. (BY MS. OSWALD) Showing State's Exhibit 18 at  
23 this time. Is this the document that you compared the  
24 fingerprints you took today of the defendant to?

25 A. Yes.

1 Q. Specifically, page 2 here, this fingerprint?

2 A. Yes, it is.

3 Q. And is that your initials verifying that this  
4 is the same thumb print on this judgment and sentence as  
5 was taken that matches the thumb print that was taken of  
6 the defendant today?

7 A. Yes.

8 Q. And these are the initials of the other latent  
9 examiner who verified that?

10 A. Correct.

11 Q. And if would you please read what this judgment  
12 and sentence is for and what cause number it was taken  
13 for.

14 A. The cause number is 1061569.

15 Q. Keep going.

16 A. The offense is possession of controlled  
17 substance, namely, cocaine.

18 Q. And in what court was this charge adjudicated  
19 in?

20 A. The 180th.

21 Q. And what did the defendant receive according to  
22 this judgment and sentence?

23 A. Two years deferred adjudication.

24 Q. And is that cause number the same that we see  
25 here in State's Exhibit 19, cause number -- right here.

1 A. 1061569.

2 Q. And what do you see -- what was the date that  
3 the deferred adjudication was adjudicated?

4 A. The date the judgment was entered?

5 Q. Yes.

6 A. On 6/17/2009.

7 Q. And what was the sentence in this case?

8 A. The punishment was 12 months State Jail.

9 Q. So did that indicate to you that the two-year  
10 deferred adjudication was revoked and he received 12  
11 months State Jail?

12 A. To my understanding.

13 Q. Now explain State's Exhibit 20, if you wouldn't  
14 a mind. Oh, is this -- did you examine State's Exhibit  
15 20 earlier today and make a comparison with a  
16 fingerprint on the second page with that of the  
17 defendant, Jerry Cameron?

18 A. Yes, I did.

19 Q. And are those your -- your initials right there  
20 next to the fingerprint?

21 A. Yes.

22 Q. And is that fingerprint the initials of the  
23 verifying latent examiner?

24 A. Yes.

25 Q. And what is this judgment and sentence for?

1 A. DWI, first offender.

2 Q. And in what cause number was this DWI?

3 A. 1761370.

4 Q. And what was the resulting punishment of this  
5 offense?

6 A. 180 days in County jail.

7 Q. Moving on to State's Exhibit 21, did you have a  
8 chance to examine State's Exhibit 21, specifically, the  
9 thumb print that is on the second page of this judgment  
10 and sentence?

11 A. Yes, I did.

12 Q. And was this thumb print -- match the thumb  
13 print of the defendant that you took of Jerry Mac  
14 Cameron here in court?

15 A. Yes.

16 Q. Are those initials here on the page?

17 A. Yes, they are.

18 Q. And are those the initials of the verifying  
19 latent print examiner?

20 A. Yes, they are.

21 Q. And if you would please read what this judgment  
22 and sentence is for, the offense, the cause number and  
23 the resulting sentence?

24 A. Cause No. 1757301 and the offense is DWI, first  
25 offender, and 180 days Harris County Jail, probated 2