

1 MS. HORTON: Thank you, Judge.

2 AMANDA PHILLIPS,

3 After having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 Q. (By Ms. Horton) Can you please  
6 introduce yourself to the jury.

7 A. Amanda Phillips.

8 Q. Can you please spell your last name for  
9 the court reporter.

10 A. P-H-I-L-L-I-P-S.

11 Q. And what do you do for a living,  
12 Ms. Phillips?

13 A. I am a criminalist at the Houston Police  
14 Department Crime Laboratory.

15 Q. And how long have you been employed at  
16 the Houston Police Department Crime Lab?

17 A. Next week will be seven years.

18 Q. And did you work in any crime labs  
19 before the Houston Police Department Crime Lab?

20 A. No, I did not.

21 Q. And were you in school prior to being at  
22 the Houston Police Department Crime Lab?

23 A. No. Prior to this job I had a different  
24 job.

25 Q. What'd you do for a job? Was it a

1 scientific job?

2 A. It was, yes.

3 Q. What'd you do?

4 A. I worked in a laboratory that produced  
5 antibodies for research use.

6 Q. How long did you do that for?

7 A. Three years.

8 Q. And prior to that, you're so young, you  
9 look so young, were you in school?

10 A. Yes, I was in school.

11 Q. Okay. And describe your educational  
12 background to the jury.

13 A. I have a Bachelor's Degree in Chemistry  
14 from Texas A&M University. I have undergone four  
15 months of training at the HPD Crime Lab in the  
16 analysis of controlled substances and other  
17 substances as well, as they relate to controlled  
18 substances. I have been to numerous seminars and  
19 classes, including classes with the FBI and DEA.  
20 I'm also personally certified as a fellow in drug  
21 analysis by the American Board of Criminalistics.

22 Q. And, so, all of these -- all of this  
23 background you have qualifies you as an expert in  
24 drug analysis; is that correct?

25 A. Yes.

1           Q.    And have you testified as an expert  
2 witness before?

3           A.    Yes, I have.

4           Q.    On few or many occasions?

5           A.    Many.

6           Q.    Does that include expert testimony in  
7 the courts of this county?

8           A.    Yes, it does.

9           Q.    And because of all your training and  
10 experience, is it possible for you to take an  
11 unknown substance and analyze it and identify it?

12          A.    Yes, it is.

13          Q.    And can you explain to the jury the  
14 first parts of this -- let's back up. How do you  
15 obtain the evidence to test it?

16          A.    I receive cases that have been assigned  
17 to me by my supervisor from people in the section of  
18 our laboratory called Centralized Evidence  
19 Receiving.

20          Q.    And you call that CER for short?

21          A.    Yes.

22          Q.    And do you go and retrieve the evidence  
23 from CER, or do they bring it to you?

24          A.    It's stored in a vault in CER that only  
25 those personnel have access to. So, they gather all

1 the cases that have been assigned to me. I go to  
2 CER to pick up my box of evidence and then take it  
3 back to my secure work area.

4 Q. So, you were assigned the evidence in  
5 this particular case; is that correct?

6 A. Yes.

7 Q. And let's talk about how you identify  
8 unknown substances. What is the first step when you  
9 receive evidence from the CER, what do you do with  
10 it to start the process of analysis?

11 A. The first step that I do is I actually  
12 do kind of an administrative step first. I make  
13 sure all the paper work I have matches the evidence  
14 that I have to make sure numbers haven't been  
15 transposed over or that kind of thing, and once that  
16 I deem everything is correct, then I'll open the  
17 evidence and I'll do basically just a visual exam to  
18 see what kind of evidence I have. Do I have a  
19 liquid? Do I have pharmaceutical tablets? Do I  
20 have a powder? That kind of helps guide me on what  
21 kind of analysis I need to do.

22 Q. Do you take note of what contents you're  
23 dealing with?

24 A. Yes, I do. Everything in the case is  
25 inventoried and written down in my examination

1 notes.

2 Q. Why do you do that?

3 A. Just so if I have to testify at a later  
4 date or if somebody needs to refer to my case file  
5 they can pull that folder and somebody with a  
6 background like myself can read and figure out  
7 everything that I've done to analyze a case, or if I  
8 come to court, then I can remember exactly what I  
9 did in this case in order to tell you.

10 Q. So, you did that in this case, too; is  
11 that correct?

12 A. Yes.

13 Q. Now, after you've inventoried, so to  
14 speak, the envelope of evidence, what do you do  
15 next?

16 A. Well, then based on my visual exam, what  
17 I actually have in the case, then I'll start my  
18 process, which normally involves a series of color  
19 tests or screening tests. And then I will follow-up  
20 with an instrumental test which can confirm the  
21 presence of controlled substance.

22 Q. Now, so it's kind of a two-step process,  
23 a screening and then kind of the actual testing; is  
24 that correct?

25 A. Screening and confirmation.

1           Q.    I'm trying to simplify scientific  
2 process, and it's very difficult.  But in a case  
3 involving Phencyclidine or a liquid drug, what is  
4 the first step that you take in the screening  
5 process?

6           A.    The first step that I would take in  
7 everything, I weigh the evidence, but then when the  
8 actual analysis starts in the screening step I would  
9 take a small amount of the unknown liquid and add  
10 reagents to it.  Then I would observe any color  
11 change that may or may not happen.  And based on  
12 those color changes, it gives me as the chemist an  
13 indication that a controlled substance may be  
14 present.

15          Q.    Did you do that in this case?

16          A.    Yes, I did.

17          Q.    Okay.  And what did it tell you?

18          A.    It gave an indication that PCP or  
19 Phencyclidine may be present.

20          Q.    So, what did you do next?

21          A.    The second step that I did was what we  
22 refer to as a G.C.M.S.  That's a gas chromatograph  
23 mass spectrometer.  It's kind of a two-part  
24 instrument, a two in one.  That gives me a  
25 confirmation of a controlled substance.

1           Q.    So, what is the first step in the  
2 process of using the G.C.M.S.?

3           A.    Well, the first step is it's all one  
4 instrument.  It's kind of divided into two halves,  
5 but the way it works is I take a small amount of my  
6 unknown substance and inject it into the G.C. part,  
7 which is the first part of the instrument.  And it  
8 uses heat and pressure to separate the components of  
9 a mixture.  So, instead of one mixture of  
10 everything, I get each individual component that is  
11 contained in the unknown.

12                        Then the second step is the M.S.  
13 part, and that basically takes each separated  
14 component and zaps it with a certain specific  
15 voltage, and it breaks those molecules apart in a  
16 very predictable pattern.  And based on the patterns  
17 that are produced and the graphs and charts that are  
18 printed out, we can use libraries that we have to  
19 compare the unknown to the knowns in the libraries  
20 to make a comparison and then, therefore, make a  
21 confirmation.

22           Q.    So, to kind of simplify it a little bit,  
23 you have known graphs of known substances, correct?

24           A.    That's correct.

25           Q.    You compared those known graphs to the

1 one that was just given to you by the G.C.M.S.?

2 A. That's correct.

3 Q. And you say this is the same substance?

4 A. That's correct.

5 MS. HORTON: Your Honor, may I  
6 approach the witness?

7 THE COURT: You may.

8 Q. Ms. Phillips, I'm going to show you  
9 what's been marked as State's Exhibit No. 3 and its  
10 contents. Do you recognize this?

11 A. Yes, I do.

12 Q. And when did you first see this?

13 A. I first received this evidence on  
14 January the 6th of 2012.

15 Q. And you're referring to your notes just  
16 so that the jury knows. You're referring to your  
17 notes from chain of custody and things like that; is  
18 that correct?

19 A. Yes.

20 Q. And how do you recognize this envelope?

21 A. It has the incident number specific for  
22 this case which is 002210812, as well as my  
23 handwritten initials.

24 Q. And that's the incident number relating  
25 to this defendant, Robert Jones; is that correct?

1           A.    That's correct.

2           Q.    Is his name actually written on this  
3 envelope?

4           A.    Yes, it is.

5           Q.    Now, did you conduct a scientific  
6 analysis of the contents of State's Exhibit No. 3?

7           A.    Yes, I did.

8           Q.    And can you explain to the jury how you  
9 know that you did an analysis on these contents in  
10 this incident number?

11          A.    Well, it's the same procedure.  It has  
12 the same incident number as well as my handwritten  
13 initials on the evidence.

14          Q.    Now, when you receive that evidence,  
15 did it come in that plastic bag, or was it in this  
16 envelope, freestanding in the envelope?

17          A.    It was freestanding in the envelope.

18          Q.    Okay.  How do you know that -- I'm  
19 assuming were you involved in the process of putting  
20 this plastic bag on this Scope bottle?

21          A.    Yes, I was.

22          Q.    And what makes you decide to that, I  
23 guess?

24          A.    It's our procedure now to make sure that  
25 all -- not only the external packaging is sealed

1 when we return it to long-term storage but also that  
2 the evidence is sealed inside the envelope, whether  
3 it be in a Ziploc or plastic bag or something like  
4 that. So, that way it's in a sealed condition when  
5 it's removed from the evidence envelope when it goes  
6 to court.

7 Q. And you placed it in this plastic bag.  
8 Did you place this sticker on it as well?

9 A. Yes.

10 Q. How do you know you placed the sticker  
11 on it?

12 A. It has the incident number and my  
13 handwritten initials on it.

14 Q. And that's A --

15 A. A.H.P.

16 Q. A.H.P. And those are your initials. I  
17 see at the top there's some more red evidence tape  
18 and more initials. Are those your initials as well?

19 A. Yes, they are.

20 Q. What does that date mean, the January  
21 6th?

22 A. The January 6th date, it's the date that  
23 I actually sealed the evidence up.

24 Q. So, you tested this evidence fairly  
25 close to the date -- what is this date on the

1 envelope here mean, January 6th 2012?

2 A. The -- excuse me. The writing that's on  
3 the envelope, the stuff I did not write, that is on  
4 there when I receive it. So, I can only assume that  
5 it's the officer who makes those notations.

6 Q. So, you place this evidence back in this  
7 envelope and then -- or sorry, in this plastic bag  
8 yourself, and then you -- after you've tested it and  
9 placed it back inside this envelope; is that  
10 correct?

11 A. That's correct.

12 Q. Once you placed it in the envelope what  
13 do you do with it?

14 A. Then I'll seal the outer envelope and  
15 write my initials and the date that I seal it.

16 Q. So, you've written on here your initials  
17 and then date of January 6th; is that correct?

18 A. That's correct.

19 Q. So, was HPD Crime Lab, where this  
20 testing was conducted, accredited by the Texas  
21 Department of Public Safety at the time that you  
22 tested it?

23 A. Yes, it is.

24 Q. Is this lab accredited by any other  
25 agencies?

1           A.    It is accredited by ASCLD/LAB.  
2 A-S-C-L-D/LAB.  That's the American Society of Crime  
3 Laboratory Directors Laboratory Accreditation Board.

4           Q.    What does that stand for?  I mean, you  
5 just said what it stands for.  What does it mean?

6           A.    Basically, what it is is that it is an  
7 organization, and they have a set list of criteria  
8 that each crime lab should meet in the minimum or  
9 exceed, and we undergo an audit every so many years  
10 to make sure we meet or exceed all of these set  
11 criteria to know that what we're doing is accepted  
12 by scientific community to make sure that we're  
13 giving good, solid testimony.  We're giving good  
14 solid results.  It's a way to make sure that our  
15 quality is up to par.

16          Q.    Sounds like a quality control?

17          A.    Yes.

18          Q.    Okay.  And so other than the analysis  
19 that you've conducted, and you see this area here  
20 where we opened the envelope, correct?

21          A.    Correct.

22          Q.    Has this been tampered with in any way?

23          A.    Besides the opening now, not to my  
24 knowledge.

25                   MS. HORTON:  And, Your Honor, at

1 this time State offers State's 3 into evidence and  
2 tenders to opposing counsel for inspection, State's  
3 Exhibit 3 and its contents into evidence and tender  
4 to opposing counsel for inspection.

5 MR. AYERS: I don't have any  
6 objections, Judge.

7 THE COURT: Being no objection,  
8 State's Exhibits 2 and 3 are admitted.

9 Q. (By Ms. Horton) So, Ms. Phillips, based  
10 on your training and experience, your scientific  
11 analysis of State's Exhibit No. 3 and its contents,  
12 the Scope bottle and the narcotics inside, what does  
13 it contain?

14 A. That evidence contains PCP or  
15 Phencyclidine.

16 Q. And you stated that you weighed the  
17 Phencyclidine; is that correct?

18 A. That's correct.

19 Q. How did you go about doing that?

20 A. Basically, for liquids, I would just  
21 take a disposable plastic beaker, put it on a scale,  
22 zero the scale out. Then I would pour the liquid  
23 into that to get a weight on the liquid.

24 MS. HORTON: Your Honor, may I  
25 approach the witness again?

1 THE COURT: You may.

2 Q. I'm showing you what's been marked as  
3 State's Exhibit No. 4. Do you recognize this?

4 A. Yes, I do.

5 Q. What is it?

6 A. It is a copy of my laboratory report.

7 Q. You say it's a copy. Why do you know  
8 it's a copy?

9 A. It's a copy because the official signed  
10 paper is then in my laboratory folder, and there are  
11 no signatures on that page.

12 Q. So, yours has signatures on it?

13 A. Yes.

14 Q. But it is an exact copy other than the  
15 signatures?

16 A. Correct.

17 Q. Okay. Was this laboratory report made  
18 at or near the time that you tested or analyzed the  
19 drugs?

20 A. Yes.

21 Q. Okay. And you are identified here as  
22 the criminalist; is that correct?

23 A. That's correct.

24 Q. On your version of this, you have your  
25 signature, correct?

1           A.    Correct.

2           Q.    There is a space over here on State's  
3 Exhibit No. 4 where there's another person's  
4 signature. Who is that individual?

5           A.    That's James Miller.

6           Q.    What's the purpose of his signature on  
7 this form?

8           A.    All of the lab reports that we produce  
9 are technically reviewed by a second, qualified  
10 analyst. So, all of the reports are technically  
11 reviewed before the results are released to make  
12 sure that I followed all my proper procedure and  
13 I've documented everything that needs to be  
14 documented.

15                   MS. HORTON: Your Honor, at this  
16 time State offers State's 4 into evidence and  
17 tenders to opposing counseling for inspection.

18                   MR. AYERS: I don't have any  
19 objection to the lab report.

20                   THE COURT: There being no  
21 objection, State's Exhibit No. 4 is admitted.

22           Q.    (By Ms. Horton) Now, on State's Exhibit  
23 No. 4 -- okay. You can see State's Exhibit No. 4,  
24 the lab report that you created; is that correct?

25           A.    Yes.

1 Q. I'm going to zoom in a little bit. You  
2 describe the items, correct, under item and  
3 description?

4 A. That's correct.

5 Q. And then you put net weight, and how  
6 much was that net weight?

7 A. 3.1 grams.

8 Q. And that is the weight you got from  
9 doing your scientific process of weighing the  
10 evidence; is that correct?

11 A. That's correct.

12 Q. And weighing the liquid itself?

13 A. That's correct.

14 Q. And right here you say "results,  
15 contains Phencyclidine (PCP)"?

16 A. That's correct.

17 Q. So, that means that amount of grams  
18 contains Phencyclidine?

19 A. That's correct.

20 MS. HORTON: Pass the witness.

21 THE COURT: Mr. Ayers.

22 MR. AYERS: A few questions, if I  
23 might, Judge.

24 THE COURT: Yes, sir.

25

## 1 CROSS-EXAMINATION

2 Q. (By Mr. Ayers) Ms. Phillips, correct?

3 A. Yes.

4 MR. AYERS: May I approach, Judge?

5 THE COURT: You may.

6 Q. The bottle, this little plastic bottle  
7 that you tested the contents of, there's still some  
8 liquid remaining in it, correct?

9 A. That's correct.

10 Q. All right. And you said you took out a  
11 small quantity of liquid for your testing purposes?

12 A. That's correct.

13 Q. And could you characterize for us -- I  
14 mean, you're the experienced one with these  
15 measurements, the amount of liquid in this bottle  
16 right now, how much is that roughly in grams, would  
17 you guess?18 A. I don't know. It would definitely be  
19 less than the original weight that I had on the lab  
20 report.21 Q. Well, I'm just trying to get a visual of  
22 what this relates to. We're talking about numbers  
23 like three grams, 3.1 grams. I mean, 3.1 grams is a  
24 small amount of liquid, right?

25 A. I would say so.