

1 Ms. Bennett, call your next witness.

2 MS. BENNETT: State calls Roy Reed.

3 THE BAILIFF: Come on up, sir.

4 Judge, this witness has not been sworn.

5 THE COURT: All right. Good morning.

6 Please raise your right hand to be sworn.

7 (Witness sworn.)

8 THE COURT: All right. You may be seated.

9 Ms. Bennett, you may proceed.

10 **ROY REED,**

11 having been first duly sworn, testified as follows:

12 **DIRECT EXAMINATION**

13 BY MS. BENNETT:

14 Q. If you would please introduce yourself to the
15 jury by telling them your name and where you work?

16 A. My name is Roy Reed. I work for Ron Smith
17 Associates. We contract to do the latent print analysis
18 for the Houston Police Department.

19 Q. If you could move that mic a little closer to
20 you.

21 A. Is that better?

22 Q. How long have you been working for the Houston
23 Police Department as a consultant?

24 A. As a consultant, two years.

25 Q. And what are your responsibilities there?

1 A. I'm the team leader for the analysts that come
2 from our company to do the work, latent fingerprint
3 examiner.

4 Q. So, any print work that the Houston Police
5 Department needs analyzed is done by you and the members
6 of your firm?

7 A. That is correct.

8 Q. What was your previous occupation prior to
9 being a consultant over at HPD?

10 A. I started as a police officer in 1978 in Iowa,
11 spent about 19 years on the police department. During
12 that time I became involved in fingerprint analysis
13 comparison, was trained by the FBI on comparison, on
14 classification, development and identification of
15 fingerprints. After leaving the Marshall Town Police
16 Department in Iowa, I went to the Arkansas State Crime
17 Lab and was there for 16 years of which the last 14 I
18 was the supervisor of the latent print section for the
19 state work.

20 Q. So, you've lifted a lot of latent prints?

21 A. Yes, ma'am.

22 Q. Have you done any specialized training beyond
23 that offered by the FBI in latent print examination?

24 A. I do continuum training with the International
25 Associate for Identification and several other inservice

1 training every year.

2 Q. And are you certified by the International
3 Association for Identification?

4 A. Yes, ma'am, I am.

5 Q. And do you conduct trainings on their behalf as
6 well?

7 A. Yes, I do.

8 Q. Have you testified regarding fingerprint
9 identification or latent print identification on few or
10 many occasions?

11 A. Many.

12 Q. In Harris County?

13 A. Several.

14 Q. Any other jurisdictions?

15 A. Any other jurisdictions?

16 Q. Jurisdictions?

17 A. Federal court in Texas, federal court in
18 Arkansas, state courts in Arkansas, federal and state
19 courts in Iowa.

20 Q. Could you explain to the jurors when you say
21 latent print what you mean?

22 A. A latent print is a chance impression.
23 Every -- on your fingers you have ridges that you can
24 feel and see. On the summit or top of those ridges are
25 minute sweat pores that are most generally exuding

1 sweat; and also when you touch your face, you have some
2 oils and so forth that are emitted from your skin. You
3 may have eaten some fried chicken or whatever and have
4 some oil on your hand and when you touch something you
5 can, but not every time, transfer that impression of
6 your fingers to that item, therefore, leaving what's
7 called a latent print. It takes either a powder or a
8 chemical process to make that print appear so that it
9 can be seen or photographed or lifted.

10 Q. During your lengthy experience looking at
11 latent prints and inked prints, have you ever found two
12 individuals who have the same print?

13 A. No, ma'am.

14 Q. Have you ever heard of two individuals having
15 the same fingerprint?

16 A. No, ma'am.

17 Q. When I say inked print, what exactly am I
18 referring to?

19 A. Every print on your finger or your palm, the
20 bottom of your feet, your toes, there are no two of
21 those, even on twins, that are the same. They're always
22 different. They may have the same pattern type, that be
23 a loop, where the ridges flow in like from the
24 right-hand side go up, turn, come back out the
25 right-hand side, that's the right loop; or it can go to

1 the left or it can be a part where they come in from one
2 side and then sort of make a little bump.

3 Whirls, just what it sounds like, looks
4 like a bull's eye a lot of times. Concentric circles,
5 where they can be elongated, that's a whirl. And then
6 you have accidental patterns where you can have a
7 combination of two or more of those patterns. But
8 within those patterns are individual details whether it
9 be a bifurcation, which is one ridge that splits and
10 becomes two, an ending ridge where the ridge just flows
11 and stops, little dots where it's just a little, one
12 sweat pore of a friction ridge, not a complete long
13 print that you'd see on your finger. And enclosures,
14 that's where you have a print of ridge starts with one,
15 splits into two like a bifurcation and then comes back
16 together and becomes one ridge again, that is an
17 enclosure island. That's another term for that.

18 Those are in everybody's prints, and they
19 have a relationship when you look you see a bifurcation
20 and then a ridge intervenes and you see another
21 bifurcation that opens up or down. That different
22 minutia there in the same relative position on both
23 prints, the known and the unknown, then you have an
24 identification. Two people, like I say, can have the
25 same pattern but not the same minutia alignment.

1 Q. So I'm taking from what you're saying that it's
2 possible to take a latent print or an unknown print like
3 you've talked about that was left behind by somebody and
4 compare it to an inked print to see if they were made by
5 the same person?

6 A. Most definitely.

7 Q. Were you asked to do that in this case?

8 A. Yes, I was.

9 Q. May I approach the witness, Your Honor?

10 THE COURT: Yes.

11 Q. (BY MS. BENNETT) I'm going to show you what's,
12 first of all, been marked for identification as State's
13 Exhibit 8A. I ask you to take a look at that for a
14 moment?

15 A. Okay.

16 Q. And were you asked to look at the print card
17 there marked Exhibit 8A?

18 A. Yes, we were.

19 Q. And were you able to find an identifiable
20 latent print on the card marked 8A?

21 A. No, ma'am, we were not.

22 Q. And what does that mean for purposes of print
23 identification?

24 A. There's an insufficient number of those
25 characteristics that I just spoke about to be present to

1 make a value for comparison for identification purposes.

2 Q. Now, I'd like to show you what's been admitted
3 as State's Exhibit 8, if you would please take a look at
4 that?

5 A. Yes, ma'am.

6 Q. Were you asked to look at State's Exhibit 8 and
7 make a comparison?

8 A. Yes, we were.

9 Q. And were you able to find an identifiable
10 latent print on State's Exhibit 8?

11 A. Yes, ma'am, one latent of value on this
12 particular lift.

13 Q. And showing you now what's been marked as
14 State's Exhibit 8B, do you recognize that item?

15 A. Yes, ma'am.

16 Q. What is that that you're looking at?

17 A. These are the known fingerprints that were
18 taken of Anthony Latson on Friday by myself.

19 Q. And do you see the individual in the courtroom
20 from who you took the photographs on 8B?

21 A. The prints?

22 Q. Oh, yes, I'm sorry.

23 A. Yes, were taken from the gentleman sitting
24 there with the plaid shirt on.

25 MS. BENNETT: Your Honor, may the record

1 reflect the witness has identified the Defendant?

2 THE COURT: It will.

3 Q. (BY MS. BENNETT) And did you compare the
4 latent print on 8 to the known prints on 8B?

5 A. The latent print on 8 was previously compared
6 to some prints that we had on file. There was -- then
7 the prints on file were compared to the known prints
8 that were taken on Friday, and the known prints and the
9 prints on file are of the same person and this print
10 matched the right thumb of that print.

11 Q. So, the print on State's Exhibit 8, did that
12 match -- was that made by the Defendant who you've
13 identified whose prints you took on Friday?

14 A. Yes, it was.

15 Q. Thank you.

16 MS. BENNETT: State will pass the witness.

17 THE COURT: All right, Mr. Duarte.

18 MR. DUARTE: Yes, ma'am. Thank you.

19 **CROSS-EXAMINATION**

20 BY MR. DUARTE:

21 Q. Good afternoon -- good morning, Mr. Reed.

22 A. Good morning.

23 Q. Mr. Reed, you and I have talked just briefly
24 one time before, haven't we?

25 A. On Friday.

1 Q. Yes. Regarding the print card that you saw
2 that you had previously looked at 8A, when did you look
3 at that card, do you remember?

4 A. When?

5 Q. Yes, sir, originally.

6 A. May, I think the 11th, 11th or the 16th. Let
7 me check the record.

8 Q. Yes, sir.

9 A. I looked at it on May 16th.

10 Q. Again on 8A, it did contain something of
11 someone would say a print, there was not enough
12 characteristics for you to classify it as a latent
13 print; would that be a correct way of stating it?

14 A. There's a mark on the back of it made by
15 something.

16 Q. And as far as -- sometimes that people touch
17 things don't always leave prints if you touch something;
18 is that correct?

19 A. That is correct.

20 Q. Depends on the type of surface that you leave
21 it on, correct?

22 A. Surface has something to do with it, but it
23 also has your own body compositions, some people have
24 very dry skin.

25 Q. Not everything a person touches leaves a print?

1 A. That is correct.

2 Q. For the ladies and gentlemen of the jury,
3 what's one of the more obscured things that you would be
4 able to lift a print off during all of your years of
5 testifying and analyzing prints?

6 A. Banana peel.

7 Q. Can it be taken off a person's skin actually?

8 A. Yes, it can.

9 Q. So there are -- and you would think of some of
10 those instances it's kind of hard to find a print, but
11 you have been able to find prints?

12 A. That is correct.

13 Q. And then some surfaces that you would think
14 might be easy to find print off of it, some of those you
15 never find a print off of it?

16 A. That is also correct.

17 Q. You mentioned also here that as far as
18 processing prints, there would be a way that you do that
19 powder and then a chemical process, what's the chemical
20 process?

21 A. The chemical process would be determinant upon
22 what the substrate or what the material is that you're
23 trying to get the print from, whether it be a paper or a
24 thermal paper, leather, wood, that would be the
25 determining factor what chemical would be used.

1 Q. And on the print cards that you looked at 8 and
2 8A, what was the process that was used there?

3 A. It looks like black powder.

4 Q. That's standard black powder?

5 A. That is correct.

6 Q. That's the one that's used most of the time
7 just the powder for trying to lift prints?

8 A. Black powder is used by most everybody in crime
9 scene processing in the field.

10 Q. That's usually the first thing you use is the
11 powder you think, maybe?

12 A. It's not always the first. Once again,
13 dependent on what you're doing what's going to be first.

14 Q. My question was pretty general. It depends
15 when you get there you're going to see if I need to use
16 a powder or whatever chemical process to try to look for
17 prints?

18 A. Yes, sir.

19 Q. On the second card that's labeled as card No.
20 8, that one you looked at it at the same time you looked
21 at 8A; is that correct?

22 A. That is correct.

23 Q. And on that one you were able to find a latent
24 print of value, correct?

25 A. That's correct.

1 Q. And it had certain characteristics that would
2 enable you to be able to make an identification of it to
3 match it to someone else's print; is that correct?

4 A. It was sufficient for comparison, yes.

5 Q. How many -- would it be value points, how many
6 points do you need to have before you can say it's
7 useful to be able to use it as far as --

8 A. There's not a set standard in the United States
9 for a number. It's how many you see. We generally go
10 by if we don't see at least eight, then we're not going
11 to keep it.

12 Q. And there are people that maybe utilize a value
13 system that's less than that?

14 A. If the fingerprint is so unique that only
15 one piece of minutia exists in that print, then that
16 would be enough.

17 Q. And maybe there are other labs or other
18 analysts that would use a higher value system; is that
19 correct?

20 A. There may be.

21 Q. So on this -- in this instance, do you know the
22 dusted prints that were, I guess, put on card 8A and 8,
23 do you know where that print would have been found from
24 your investigation?

25 A. Back of an ID card.

1 Q. And isn't it safe to say that ID cards are
2 handled -- a person could pass an ID card a lot around
3 when he's in possession of an ID card, correct?

4 A. That's correct.

5 Q. You go to the bank to go and cash a check, they
6 ask for ID, you hand it to the teller, correct?

7 A. That's correct.

8 Q. You get stopped by the police for speeding
9 ticket, you hand the ID card over to the police officer
10 that's checking your ID to see if it's valid or whatnot,
11 you hand him the ID card, correct?

12 A. That is correct.

13 Q. I mean, we all are aware that ID cards,
14 driver's license cards are passed a lot in back and
15 forth between people in everyday life; is that correct?

16 A. Yes, sir.

17 Q. So, there would be opportunity for many people
18 to touch an ID card during its lifetime, correct?

19 A. That would be a fair statement.

20 MR. DUARTE: I'll pass the witness.

21 THE COURT: All right. Is there anything
22 further?

23 MS. BENNETT: No, Your Honor.

24 THE COURT: May this witness be excused?

25 MS. BENNETT: Yes.