

1 employed by?

2 A. The Houston Police Department.

3 Q. How long have you been there?

4 A. 12 years.

5 Q. And what jobs have you had within the Houston
6 Police Department for the last 12 years?

7 A. I started out as a primary patrol officer and then
8 I moved into a tactical unit where I did felony warrants and
9 narcotics and from there I moved into the crime scene unit.

10 Q. And how long have you been with the crime scene
11 unit?

12 A. Five years.

13 Q. When you got to the crime scene unit, did you get
14 any specialized training that prepared you for being an
15 officer in the crime scene unit?

16 A. Yes, ma'am.

17 Q. What kind of training did you get?

18 A. We get specialized death investigation training,
19 bloodstain analysis, fingerprint training.

20 Q. And is that training continued yearly?

21 A. Yes, it is.

22 Q. How much do you have to have every year in
23 training?

24 A. Well, it's not a mandatory how much per year. It's
25 just as classes come along, we continue our education

1 constantly.

2 Q. Okay. So, back in May of 2010, you were working as
3 a crime scene unit officer?

4 A. Yes, I was.

5 Q. Do you remember what shift you were working back in
6 May of 2010?

7 A. Evening.

8 Q. Evening shift. Okay. Actually June 25th of 2010,
9 what shift were you working then?

10 A. Evening.

11 Q. And what are the hours for evening shift?

12 A. 3:00 to 11:00.

13 Q. Okay. Were you called out to a location?

14 A. Yes, ma'am.

15 Q. That -- on June 25th, 2010, where were you
16 dispatched out to?

17 A. Whew. 6100 Frisco.

18 MS. FULLER: And may I approach the witness,
19 Your Honor?

20 THE COURT: You may.

21 Q. (BY MS. FULLER) I'm going to show you what has
22 been entered in as State's Exhibit 3. Can you see where the
23 red dot is?

24 A. Yes, ma'am.

25 Q. Okay. Is that the location that you were

1 dispatched out to?

2 A. Yes, ma'am.

3 Q. Okay. And is that a location in Harris County,
4 Texas?

5 A. Yes, ma'am.

6 Q. When you got to that location, 6100 Frisco, can you
7 describe for us what the area was like?

8 A. It's a maze, a spider web of these freeways over
9 your head, with the feeder road traffic coming along and
10 grassy meadow area beside the freeway that has overgrown
11 trees.

12 Q. Okay. And --

13 A. And a power line right-of-way.

14 Q. Okay. The grassy area, is it a large grassy area?
15 Can you kind of describe that?

16 A. Yes. They have to -- you know, they mow -- for the
17 freeways they mow for the power lines and so you have that
18 but you also have just the tallow tree overgrowth in that.

19 Q. Okay. And also running along Hardy Toll, is there
20 some type of creek or bayou or something that runs kind of
21 parallel in between Frisco and Hardy?

22 A. You know, I don't know.

23 Q. Okay.

24 A. Because I was not on the bayou.

25 Q. Okay. When you were on the scene, though --

1 A. Well, it does -- yeah, you're right. It does
2 overlook into -- from where I was, it grades down. I didn't
3 walk down to see that the bayou was down but there is --
4 this is, like, the top of a small hill.

5 Q. Okay. And when you got to the scene, tell me what
6 you first noticed.

7 A. The -- there's a public sidewalk that parallels the
8 frontage road and the overgrown area and just inside the
9 overgrown area was where my scene was.

10 Q. Okay. When you first arrived, what was the first
11 thing that you did when you got to the scene?

12 A. I go along and I obviously do a walk-through of my
13 scene. At this point I know I'm looking for skeletal
14 remains. And so, I have my little yellow flags and as I
15 come across individual bones, I put a flag down because the
16 area -- the grass was about yea tall there and so, I'm
17 flagging every little bone that I can find.

18 Q. Okay.

19 A. Uh-huh.

20 Q. Did you call anyone else to meet you out on the
21 scene at this point when you found that it was a skeletal
22 remains scene?

23 A. Yeah. We called the Medical Examiner's Office and
24 we need them to send a forensic anthropology team.

25 Q. Okay. And did a forensic anthropology team arrive?

1 A. Yes.

2 Q. So, while you are staking the bones that you can
3 see, what is the anthropology team doing?

4 A. Well, I stake everything before they got there. I
5 staked as much as I can find. I initially photograph and do
6 any videotape and they come, they also look for bones and
7 they're actually identifying these bones and so, as he
8 identified the bone, he would write on the little yellow
9 flag that I had put what bone it was.

10 Q. Okay.

11 A. So that we could then chart all this later.

12 Q. Okay.

13 *MS. FULLER:* May I approach the witness?

14 *THE COURT:* You may.

15 Q. (*BY MS. FULLER*) I want to show you what's been
16 marked as State's Exhibit 8. Do you recognize that?

17 A. Yes.

18 Q. Okay. What is State's Exhibit 8?

19 A. This is a two-dimensional diagram of the scene.

20 Q. Okay. Who prepared that diagram?

21 A. I did.

22 Q. And is it drawn to scale?

23 A. No.

24 Q. Would it aid the jury in understanding where you
25 located certain pieces of evidence on the scene?

1 A. Yes, ma'am.

2 Q. Okay. Is it a fair and accurate representation of
3 the scene as you diagrammed it, as you remember it?

4 A. Yes, ma'am.

5 MS. FULLER: Your Honor, at this time State
6 moves to admit State's Exhibit 8, tenders to defense counsel
7 for inspection.

8 MR. CORNELIUS: No objection.

9 THE COURT: State's Exhibit 8 will be
10 admitted.

11 MS. FULLER: May I publish, Your Honor?

12 THE COURT: You may.

13 Q. (BY MS. FULLER) I'm going to put this up on the
14 screen so we can kind of start talking about where you
15 started to see the evidence. Tell us what we're looking at
16 here.

17 A. Okay. The -- well, let's see -- may I?

18 Q. You can and you can also look at that one and
19 actually touch it, touch the screen.

20 A. Oh, okay. It always feels strange. This is the
21 westbound frontage road and that little arrow shows that
22 we're heading in the direction of Frisco Street, and Hardy
23 Tollway is this way. This is the little sidewalk that runs
24 parallel to the frontage road. These are individual -- they
25 represent individual trees and just taller foliage. If I

1 don't have anything like that, I have the little grass. So,
2 these little symbols are just your grass.

3 These numbers stand for -- in most cases of
4 these numbers -- you have the legend, obviously -- they are
5 articles of clothing or bottles or things. I have bones
6 through here, just my bones began to be scattered here and
7 then this is sort of going downhill towards the power lines.

8 Q. Okay. Now, your job on the scene is to collect
9 just evidence; is that -- physical evidence; is that right?

10 A. Yes.

11 Q. Did you talk to any witnesses while you were on the
12 scene?

13 A. No, ma'am.

14 Q. Okay. Is that your primary function when you go,
15 to talk to people?

16 A. No, ma'am.

17 Q. Okay.

18 MS. FULLER: May I approach the witness?

19 THE COURT: You may.

20 Q. (BY MS. FULLER) I'm going to show you three
21 clusters of photographs but these are State's Exhibits 9
22 through 90. If you could, take a look through those.

23 A. (Witness complies.)

24 Q. Did you take these photographs on the scene?

25 A. Yes, ma'am.

1 Q. And do these pictures fairly and accurately
2 represent the scene as you remember it?

3 A. Yes, ma'am.

4 MS. FULLER: Your Honor, at this time the
5 State moves to admit State's Exhibit 9 through 90 and
6 tenders to defense counsel for inspection.

7 MR. CORNELIUS: I've seen them, Judge. I have
8 an objection to all of them for relevance and a 403
9 objection as well.

10 THE COURT: Bring them up.

11 (At the bench, on the record.)

12 THE COURT: Just putting these in to show that
13 we used to have rain? All right. 9 through 22 are
14 admitted. The Court, after reviewing those, finds that the
15 probative value outweighs any prejudicial value. There's
16 nothing indicated at all in 9 through 22 other than that of
17 the scene.

18 MR. CORNELIUS: Those, 9 through 22, just to
19 complete my record, are not even referred to by this witness
20 specifically. I'm going to renew my objection.

21 MS. FULLER: We're going to go through each
22 one of them individually.

23 MR. CORNELIUS: Then that will be great.
24 You're going to go through all 90 pictures?

25 MS. FULLER: It's 89. Or 79.

1 MR. CORNELIUS: I wish I just brought my
2 lunch.

3 THE COURT: I just brought my book out here.
4 I could read my book.

5 MS. FULLER: Y'all are killing me.

6 MR. CORNELIUS: I'm trying to make it easier
7 for you.

8 THE COURT: What?

9 MR. CORNELIUS: I said I'm trying to make it
10 easier, rather than go through all 90 pictures.

11 THE COURT: That's why I'm trying to go
12 through them.

13 MS. FULLER: If it makes it any easier, there
14 is also a scene video but it's not as detailed as the
15 photographs. Basically she really just pans around the
16 location. But some of these become relevant in the evidence
17 that are collected.

18 THE COURT: What is this bottle?

19 MS. FULLER: Those things were collected
20 because there is a homeless camp near where she was; so, all
21 of those things were collected and submitted for
22 fingerprints, which none come back to him.

23 THE COURT: This bottle?

24 MS. FULLER: Uh-huh. It's collected and taken
25 to the latent print lab.

1 *THE COURT:* Okay. But his prints are on that
2 bottle?

3 *MS. FULLER:* They are not.

4 *THE COURT:* What about this Corona bottle?

5 *MS. FULLER:* None of the bottles are going to
6 come back to her.

7 *THE COURT:* (Indicating.)

8 *MS. FULLER:* No, they are clothing that are
9 found near her body that were collected.

10 *THE COURT:* Does this belong to her?

11 *MS. FULLER:* And no semen or blood comes back
12 from those.

13 *THE COURT:* But is it connected to her?

14 *MS. FULLER:* We don't think so. They're men's
15 pants.

16 *THE COURT:* What about the blue panties?

17 *MS. FULLER:* I believe those are hers.

18 *THE COURT:* Nothing comes back to either one
19 of them on the pants?

20 *MS. FULLER:* Right.

21 *THE COURT:* Any of this --

22 *MS. FULLER:* Those are her clothing.

23 I think that that is the shirt.

24 Do you have your legend with you?

25 *THE WITNESS:* I have the diagram on my legend.

1 MS. FULLER: No. 6 is hers.

2 No.

3 No.

4 No.

5 THE COURT: What is that?

6 MS. FULLER: That shows the homeless camp that
7 is next door to where -- you know, in the same vicinity as
8 to where her body was found.

9 Again, the homeless camp.

10 I think that's just showing the wooded area or
11 how thick the woods are.

12 She's a woman who is at -- we believe stays at
13 the homeless camp and she was interviewed by Cisneros.

14 THE COURT: In the next grouping I'm
15 overruling your objection to 24, 25, 26, 27, 29, 40, 41, 42,
16 43, 44, 45, 46, 47, 48, 49 and 51.

17 MR. CORNELIUS: I'm going to renew my
18 objection for the record if they're not referred to and
19 identified --

20 THE COURT: Absolutely. I agree with that
21 completely.

22 Okay. I believe that the probative value
23 outweighs the prejudicial value.

24 MR. CORNELIUS: We'll see.

25 THE COURT: What?

1 MR. CORNELIUS: I said we'll see.

2 MS. FULLER: That's the burn area of where she
3 decomposed. Anything with flags will be bones.

4 Your Honor, I saw that one of them that you
5 put out was a picture of her skull and her jaw.

6 THE COURT: Because there's already some in.

7 MS. FULLER: I wanted to make sure, since she
8 was identified by dental records.

9 THE COURT: That's why I did that because I
10 know that's going to be an issue.

11 Okay. I'm going to let you pick. This seems
12 to me to be sort of a big view of these two things. So, you
13 can have these two or this one.

14 MS. FULLER: (Indicating.)

15 THE COURT: All right. And then in your next
16 group, 73, 77, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88 and 89
17 are admitted. The Court finds that the prejudicial value is
18 not -- wait -- is not outweighed by the probative value.
19 Couldn't say that right.

20 MR. CORNELIUS: We renew our objections if
21 they're not identified.

22 THE COURT: Absolutely.

23 MS. FULLER: Judge, just for purposes of
24 publishing, are you okay with me publishing some of the
25 gorier ones on the overhead screen?

1 THE COURT: Yeah. It is what it is. Okay.
2 Here's the ones that are not in.

3 MS. FULLER: Does Carrie need those?

4 (End of discussion at the bench.)

5 MS. FULLER: May I publish to the jury, Your
6 Honor?

7 THE COURT: Sure.

8 Q. (BY MS. FULLER) Okay. I'm going to show you
9 what's marked as State's Exhibit 9. Can you identify this
10 and tell us what we're looking at?

11 A. Yes, ma'am. That is a scene taken -- a photo taken
12 from inside the scene looking back out at the freeway and
13 Frisco.

14 Q. So, the road that we're looking at right here, what
15 is that?

16 A. Yeah, I think, just from my angle here, I believe
17 that this is the frontage road and this little street sign
18 right here is Frisco.

19 Q. And you're standing inside the scene taking a
20 picture out?

21 A. Yes.

22 Q. State's Exhibit 10?

23 A. This is a little further in. Same scene, just
24 further in.

25 Q. State's Exhibit 11?

1 A. This is as if before I was this direction, then
2 this direction, now we're turned and look the other
3 direction. I'm trying to give you 180 degrees.

4 Q. State's Exhibit 12?

5 A. A little further; so, now we've come over into
6 here.

7 Q. What highway is this or roadway?

8 A. That's Hardy, I believe.

9 Q. Okay.

10 A. Yeah. I think that's Hardy and this is 59. This
11 is underneath that maze of freeways.

12 Q. Hardy and 59 or 610?

13 A. 610.

14 Q. State's Exhibit 13?

15 A. As before, if I'm standing in the scene, we're now
16 moved into this area. So, you're coming -- you're panning
17 back into the scene.

18 Q. State's Exhibit 14?

19 A. This is this roped-off area was the area where the
20 initial responding patrol officers first found the bones.

21 Q. And in State's Exhibit 9, you were standing kind of
22 over by these red bushes taking the picture out?

23 A. Yes. I was standing in here, pushing in.

24 Q. State's Exhibit 15.

25 A. Okay. I cannot tell from here because I can't read

1 those signs. I think -- I am not sure -- I think that
2 Frisco is right here and this is just another shot of the
3 freeways but from this glare, I cannot read these signs.

4 Q. State's Exhibit 16?

5 A. Okay. This is Frisco right in here.

6 Q. Okay. And State's Exhibit 17?

7 A. Frisco.

8 Q. State's Exhibit 18?

9 A. Another shot of Frisco.

10 Q. And are those the closest homes near to the scene?

11 A. Yes, ma'am.

12 Q. State's Exhibit 19? Let me pan out.

13 A. Okay. This is at the edge -- like the sidewalk
14 would be right here and so I am panning back towards into
15 the scene.

16 Q. Okay. State's 19 -- excuse me. 20.

17 A. Okay. I think this is going in the direction of
18 Frisco but again, our scene is -- I'm standing in the
19 same -- panning out trying to place the scene within the
20 freeways.

21 Q. Okay. And there's a power line back in --

22 A. Yes, ma'am.

23 Q. -- in the back of the picture. Is that one of the
24 boundaries that you mentioned when you diagrammed?

25 A. Yes, ma'am.

1 Q. Okay. State's Exhibit 21?

2 A. Okay. This is actually the beginning of the scene,
3 right in here.

4 Q. State's Exhibit 22?

5 A. Okay. This would be going downhill from the scene.

6 Q. Okay. So, standing at the top of the hill of the
7 scene looking down?

8 A. The pink bush, if you go back, the pink bush really
9 is the scene itself and then you're going downhill towards
10 the power lines and the freeways.

11 Q. State's Exhibit 24, what are we looking at here?

12 A. If you look -- do you have my legend? This is the
13 pink bush where we began to see the bones and articles of
14 clothing, bottles.

15 MS. FULLER: May I approach the witness, Your
16 Honor?

17 THE COURT: You may.

18 Q. (BY MS. FULLER) I'll hand you the legend so you
19 can --

20 A. Yes, ma'am.

21 Q. All right. In this picture, State's Exhibit 1,
22 there are a few number markers. What are the number
23 markers?

24 A. The number markers correspond to articles that I
25 actually collected at the scene so that when you all saw the

1 diagram, you would be able to tell from this marker what
2 that No. 1 corresponded to.

3 Q. Okay. In this case what is No. 1?

4 A. No. 1 is a pair of panties.

5 Q. Okay. And what is No. 4?

6 A. No. 4 is a Corona bottle.

7 Q. Let me show you State's Exhibit 25. What is that
8 that we're looking at?

9 A. This would be the panties that are sort of
10 underneath the overgrowth of grass.

11 Q. Okay. From what you could see on the scene, did it
12 appear that those panties had been there awhile?

13 A. Yes, ma'am.

14 Q. State's Exhibit 26. What is State's Exhibit 26?

15 A. That is the pair of blue panties.

16 Q. State's Exhibit 27.

17 A. Okay. Here we have two heavy clog-type sandals.

18 Q. Okay. Can you touch the screen to point them out?

19 A. Here and here.

20 Q. And again, did those appear that they had been on
21 the scene for a while?

22 A. Yes, ma'am.

23 Q. And when I say "a while," can you give us any kind
24 of estimation of how long they had been there?

25 A. Long enough for the grass to grow over them. Now,

1 this was a wet year that year and it was in June. So, it
2 doesn't take that long for grass to grow over when you have
3 the more regular rain than we've had.

4 Q. State's Exhibit 29.

5 A. The sandals.

6 Q. Okay. That would correspond with the No. 2 marker?

7 A. Yes, ma'am.

8 Q. All right. State's Exhibit 40.

9 A. As I told you, when I came in, each time I saw a
10 bone, I flagged that bone; and so, all these yellow flags
11 are individual bones or bone clusters.

12 Q. Now, you also have on this picture a No. 6 and a
13 No. 7 marker. What do those correspond to?

14 A. 6 would be in this -- actually behind the marker in
15 the grass, shorts and a shirt and No. 7 is a red bra.

16 Q. Did No. 7 appear, the red bra, did that appear to
17 be near the greatest cluster of bones?

18 A. Yes, ma'am.

19 Q. State's Exhibit 41.

20 A. I think that would be the short -- the shirt and
21 the shorts but from that glare, I cannot tell from the
22 number.

23 Q. It looks like the No. 7 marker is back here --

24 A. Right. I don't think the No. 7 goes with that,
25 does it? Do you have my diagram? It does?

1 Q. 6 and 7 are close to each other?

2 A. Uh-huh.

3 Q. And this looks like a marker that --

4 A. Oh, the 7 is the red bra. I see. Yes.

5 Q. So, if this --

6 A. That's the shirt.

7 Q. Okay. State's Exhibit 42?

8 A. Yes.

9 Q. What is that?

10 A. This is a close-up of the tag.

11 Q. Of the what?

12 A. Of the shorts, I believe. Caribbean Joe.

13 MR. CORNELIUS: Can I just look at something
14 up there, Judge?

15 THE COURT: You bet.

16 A. Right. The shorts were Caribbean brand -- a
17 Caribbean Joe brand and the shirt is the Crossroads brand.

18 Q. (BY MS. FULLER) Okay. Can you tell from this
19 photograph what size these shorts are?

20 A. Small.

21 Q. Okay. State's Exhibit 43.

22 A. And this would be -- from this angle it's hard to
23 tell if that's the shorts or the shirt.

24 Q. Okay. State's Exhibit 44.

25 A. That would be the tag of the stretch -- the

1 Crossroads stretch.

2 Q. Okay. And that would be the what?

3 A. The shirt.

4 Q. The shirt? State's Exhibit 45.

5 A. That's an overall photo of the two.

6 Q. Of the shorts and the shirt?

7 A. Uh-huh, yes, ma'am.

8 Q. And again, did it appear that the grass had started
9 to grow over those?

10 A. Yes, ma'am.

11 Q. State's Exhibit 46?

12 A. This would be the -- this burned-out area is --
13 this is what happens, characteristically, to the grass and
14 the soil in a area when a body has decomposed. It leaves
15 this burned-out area as the oils and the body fluids leach
16 into the ground.

17 Q. State's Exhibit 47.

18 A. That's the same photo of the bones or bone clusters
19 along with the -- the shorts were found close to the burn
20 area and the red bra was found with the bone clusters by No.
21 7 marker.

22 Q. 48.

23 A. This is another photo of the burn mark area with
24 the clothing.

25 Q. Okay. State's Exhibit 49.

1 A. This is a close-up of the red bra with the shirt
2 and shorts over here.

3 Q. Okay. And what else do you see in this photograph
4 that we haven't seen up to this point?

5 A. The complainant's skull.

6 Q. And State's Exhibit 51?

7 A. This is the bone cluster with the red bra, rib
8 bones and the complainant's skull.

9 Q. Okay. State's Exhibit 73, what are we looking at
10 here?

11 A. The anthropology team going through and pulling out
12 the soil and the grass, the thatch area, in a search for
13 more bones.

14 Q. State's Exhibit 77?

15 A. This is the pink bush again. Now I have taken the
16 shot downhill looking up so the power lines, in this case,
17 would be behind my back and the complainant's skull area
18 would have been right here in relationship to this pink
19 bush, that kind of --

20 Q. Can you touch the screen where you're talking about
21 and I can clear it.

22 A. There's your pink bush and this would be the area
23 that -- the photos we just looked at would be right in here.

24 Q. State's Exhibit 78.

25 A. One of the complainant's bones.

1 Q. And at this point you tag it and somebody from the
2 anthropology team comes along behind you and actually
3 identifies it?

4 A. They identify all the bones.

5 Q. Okay. State's Exhibit 79.

6 A. More bones before we have identified exactly which
7 ones.

8 Q. Okay. State's Exhibit 80?

9 A. The same thing.

10 Q. More of the complainant's bones?

11 A. Yes, ma'am.

12 Q. These bones are scattered in how big of an area,
13 would you say?

14 A. Pretty large area, if you look at the -- if you
15 look at the area where the bones went downhill, you had a
16 small collection of the large majority of the bones but then
17 as time goes by, animals pick up these bones and they carry
18 them away. And so, you can see that you have the initial
19 large area collection and radiating out, you have occasional
20 smaller bones out.

21 Q. Okay. State's Exhibit 81.

22 A. This looks like a foot.

23 Q. State's Exhibit 82.

24 A. Another bone.

25 Q. State's Exhibit 83.

1 A. Another bone.

2 Q. State's Exhibit 84.

3 A. More, ma'am.

4 Q. From the looks of these, do you have any idea what
5 these could be?

6 A. These look like vertebra.

7 Q. Vertebra?

8 A. I'm hesitant to give what number and with these
9 others because we have the forensic anthropologist coming in
10 who will identify and I don't want to give you the wrong
11 thing.

12 Q. Okay. State's Exhibit 85?

13 A. Bones.

14 Q. Complainant's bones, correct?

15 A. Complainant's bones with some animal activity.

16 Q. Okay. State's Exhibit 87?

17 A. Same thing. It looks like we have animal activity
18 in here.

19 Q. And when you say "animal activity," what are you
20 noting?

21 A. You have things from possums to raccoons or dogs
22 that will take these larger bones and chew on them and it's
23 harder to tell from these photographs. Later they take
24 these bones to the lab and will blow -- have more detailed
25 shots of them so you can see the damage to the bones.

1 Q. State's Exhibit 88?

2 A. This looks like one of our long bones beside the
3 shorts.

4 Q. Okay. Now, when all of the bones are flagged and a
5 forensic team has come by, the forensic anthropologists have
6 come by and identified them, what do they do with all those
7 bones?

8 A. They collect all the bones and they put the bones
9 in the body bag.

10 Q. Okay.

11 A. And then we chart it.

12 Q. I'm going to show you State's Exhibit 89. What are
13 we looking at here?

14 A. These are the bones that were collected from the
15 scene.

16 Q. Okay.

17 A. And they have reconstructed about where these bones
18 would lie in the human body.

19 Q. Okay. What is the white that these bones are lying
20 on?

21 A. A body bag.

22 Q. And is this done at the scene? This picture was
23 taken at the scene?

24 A. Yes, ma'am.

25 Q. Did you lay these bones out or was that the

1 forensic anthropologist?

2 A. That's an anthropologist.

3 Q. When you were out there collecting evidence, did
4 you find any evidence of other people being in that area?

5 A. Yes, ma'am, I did.

6 Q. And how so?

7 A. There appeared to be a homeless camp in the woods.
8 Do you have the diagram?

9 Q. State's Exhibit 8.

10 A. These large majority of those bones, the photos we
11 were just looking at were here. Through the woods, there's
12 a homeless camp right here.

13 Q. Can you touch the screen because we're not seeing
14 it.

15 A. The major photos of the bones were here. There was
16 a homeless camp right here.

17 Q. Okay. Now, did you collect any evidence from that
18 homeless camp?

19 A. Yes, I did.

20 Q. As possible evidence in this case?

21 A. Exactly.

22 Q. What did you collect?

23 A. A white T-shirt, milk jug, black blue jeans, a
24 cooler.

25 Q. Okay. Various bottles and clothing?

1 A. Yes, ma'am.

2 Q. When you collected those things, did they appear to
3 have the same amount of grass growing over them as the
4 evidence that you collected from the primary clusters of
5 bones?

6 A. No.

7 Q. What was the condition of those clothes and the
8 ground around it?

9 A. Well, they were wet because we'd had rain but they
10 were draped on top of things.

11 Q. Okay. So, you tagged other clothing that you found
12 in the homeless camp area; is that right?

13 A. Yes, I did.

14 Q. Why did you tag those items?

15 A. Even though they were not at the initial scene,
16 they were close enough to the initial scene that we felt
17 they may be involved.

18 Q. Okay. And after you tagged those clothes from the
19 secondary scene -- is that fair to call it? A secondary
20 scene?

21 A. Yes, ma'am, yes, ma'am.

22 Q. After you tagged those clothes, what did you do
23 with those clothes?

24 A. We collect the clothes and take them to the
25 property room and I tagged them.

1 Q. Do you request any type of testing be done on the
2 clothing?

3 A. I don't. The homicide investigator does.

4 Q. Okay.

5 MS. FULLER: May I have just a moment, Your
6 Honor?

7 THE COURT: You may.

8 MS. FULLER: May I approach the witness?

9 THE COURT: You may.

10 Q. (BY MS. FULLER) Let me show you what I have marked
11 as State's Exhibit No. 93 and 94. Do those look familiar to
12 you?

13 A. Yes, ma'am.

14 Q. How do they look familiar?

15 A. These are the bags I put them in with my writing.

16 Q. Okay. And what is State's Exhibit No. 93 and 94?
17 Start with 93.

18 A. The blue panties are in this bag and the brown
19 sandals are in this bag.

20 Q. Okay. Can you open up those bags and make sure
21 that -- do you need scissors?

22 A. No. (Witness steps down.)

23 Q. Don't take them out. Just look at them, see if
24 they're in there.

25 A. They stapled them. They're in a lab bag.

1 Q. Okay.

2 A. It's my original bag but they put them in something
3 else.

4 Q. Okay.

5 A. Do we want to go through that or explain to them
6 what's --

7 Q. Tell me what is contained within State's Exhibit
8 93.

9 A. I submit the panties in the brown bag to the
10 property room. Someone from the lab picks them up at the
11 property room and they do testing, then they have
12 resubmitted them by putting them back into my bag.

13 Q. Okay. Does this appear -- if you could just open
14 that. You don't have to take -- please don't take them out.
15 Just look at it and make sure that it is --

16 A. See, I don't know how they have it folded. I don't
17 know if it's in a bag or if it's just in butcher paper.

18 Q. I think it's just in paper.

19 A. They're going to fall out.

20 Q. You want to set it --

21 A. Uh-huh. Yep.

22 Q. Okay. So, these are the green panties that you
23 collected?

24 A. No. I mean, yes, it's in butcher paper. Yes.
25 Now, they are the brown -- the teal-colored panties.

1 Q. And that was State's Exhibit No. 93?

2 A. Yes, ma'am.

3 Q. And the bag with the contents of State's Exhibit
4 93.

5 A. Yes, ma'am.

6 Q. Okay. State's Exhibit 94.

7 A. Boy, they sealed that.

8 Q. Do you need scissors?

9 A. I will in a second.

10 They are the sandals.

11 Q. Okay.

12 A. Can you open that box? It's soiled. I don't want
13 to get it all over the bag.

14 MS. FULLER: Okay. Your Honor, at this time
15 State moves to admit State's Exhibit 93 and 94, the bags and
16 the contents of them, tenders to defense counsel for
17 inspection.

18 MR. CORNELIUS: Objection to relevance, Judge.
19 Other than they found it, I don't know what relevance there
20 is.

21 THE COURT: Come on up.

22 (At the bench, on the record.)

23 THE COURT: Was there testing that was done?

24 MS. FULLER: They tested it to see if there
25 was any semen and blood. We have someone coming in to say

1 they tested it and it wasn't found. He claims in his
2 statement he had sex with her.

3 *THE COURT:* Right.

4 *MS. FULLER:* Also, the sandals correspond to
5 Roger giving a description that she was wearing shorts,
6 shoes and -- shorts, a shirt and sandals; so, they match the
7 descriptions that were given to Officer Cisneros at the
8 scene, or at that time.

9 *MR. CORNELIUS:* That may be true, but none of
10 that's in evidence right now.

11 *THE COURT:* The shorts definitely were in. He
12 testified to that.

13 *MR. CORNELIUS:* Well, he said he thought she
14 was wearing khakis. I don't know if those are the khakis.

15 *THE COURT:* Well, we're not to them yet. I'm
16 just trying to remember what he said.

17 *MS. FULLER:* I believe he also said sandals.

18 *THE COURT:* I didn't hear that but I can't
19 tell you I was necessarily paying attention because I just
20 didn't think that was going to be an issue. All right. I'm
21 going to overrule the objection and let them in based on the
22 locations of where it was found. So, 93 and 94 are in.

23 *MS. FULLER:* And their contents?

24 *THE COURT:* Yes.

25 *(End of discussion at the bench.)*

1 Q. (BY MS. FULLER) Okay. This was not put back in
2 the bag; so, we're going to put it back in the bag. So,
3 State's Exhibit 92.

4 A. That would be the red bra, the shorts and the
5 shirt.

6 Q. If you could help me --

7 A. Yeah.

8 Q. Would that be the --

9 A. Yeah.

10 Q. Okay.

11 A. You're going to take it out?

12 Q. Yeah. So, State's Exhibit 92 is a bag
13 containing -- could you please say again for the record?

14 A. The red bra, the shorts and the shirt.

15 MS. FULLER: Your Honor, at this time State
16 moves to admit State's Exhibit 92 and its contents, tenders
17 to defense counsel for inspection.

18 MR. CORNELIUS: Objection, relevance.

19 THE COURT: Overruled. 92's admitted.

20 Q. (BY MS. FULLER) After you tagged all of the
21 clothing, including State's Exhibits 92, 93 and 94, what did
22 you do with those items of clothing?

23 A. (Witness seated.) Those items are tagged in the
24 property room.

25 Q. Okay. And to your knowledge what happens with them

1 after that?

2 A. The homicide investigator contacts the lab and
3 asked them to go to the property room, pick up the articles
4 and test them.

5 MS. FULLER: Pass the witness.

6 THE COURT: Mr. Cornelius.

7 (Mr. Cornelius and Ms. Fuller whispering.)

8 MS. FULLER: May we approach?

9 (At the bench, on the record.)

10 MS. FULLER: Judge, I was going to admit the
11 scene video but I figured after what we went through with
12 the photos that he wouldn't let me and so I didn't try.

13 THE COURT: That's what I was thinking.

14 MR. CORNELIUS: No, I would like the video --
15 it's not that I want it in but I'm going to tell you I'm not
16 going to object to it.

17 MS. FULLER: Okay. Can I --

18 MR. CORNELIUS: So we don't have to call her
19 back or whatever later.

20 MS. FULLER: May I go back?

21 MR. CORNELIUS: Absolutely. There's no
22 talking on it, right?

23 MS. FULLER: No, no.

24 THE COURT: Okay.

25 (End of discussion at the bench.)

1 MS. FULLER: May I approach the witness?

2 THE COURT: You may.

3 Q. (BY MS. FULLER) Let me show you what's been marked
4 as State's Exhibit 91. Do you know what this is?

5 A. This would be a disk containing the video that I
6 shot at the location.

7 Q. Okay. At 6100 Frisco?

8 A. Yes, ma'am.

9 Q. Have you been able to watch it recently?

10 A. Yes, ma'am.

11 Q. And is it a fair and accurate representation of the
12 scene when you got there?

13 A. It is.

14 Q. And was the operator of the equipment competent to
15 record?

16 A. Me.

17 Q. Okay. You knew what you were doing and the machine
18 worked?

19 A. Yes, ma'am.

20 Q. Okay.

21 MS. FULLER: At this time tender -- move to
22 admit State's Exhibit 91, tender to defense counsel for
23 inspection.

24 MR. CORNELIUS: No objection.

25 THE COURT: 91 is admitted.

1 MS. FULLER: May we publish?

2 THE COURT: Sure.

3 (State's Exhibit No. 91, the scene video, was
4 played.)

5 MS. FULLER: Pass the witness, Your Honor.

6 MR. CORNELIUS: Can we approach real quick?

7 THE COURT: Sure.

8 (At the bench, on the record.)

9 MR. CORNELIUS: The defendant needs to go to
10 the bathroom.

11 THE COURT: How much do you have? I wanted to
12 finish with her. It's not cruel and unusual punishment.

13 MR. CORNELIUS: I'm going to cross her for
14 quite a while. He needs to go. Sorry.

15 (End of discussion at the bench.)

16 THE COURT: Ladies and gentlemen, we're going
17 to take our afternoon break at this time. We'll be in
18 recess until 3:00 o'clock.

19 (Jury not present.)

20 (Recess.)

21 (Jury present.)

22 THE COURT: Be seated, please. And
23 Mr. Cornelius, you may proceed.

24 MR. CORNELIUS: Thank you, Judge.
25

CROSS-EXAMINATION

1
2 Q. (BY MR. CORNELIUS) Officer Rowe, my name is Skip
3 Cornelius. I'm not sure if we've ever met. If we have,
4 we've never talked about this case, right?

5 A. Correct.

6 Q. Okay. First thing I want to ask you is a number of
7 times the prosecutor asked you if these were the
8 complainant's bones that you saw. You actually don't know
9 whose bones these are, do you?

10 A. I don't know which complainant. They are a
11 complainant's bones.

12 Q. Well, that would be unless somebody died of natural
13 causes, right?

14 A. In my world, that's still a complainant.

15 Q. Okay. They're somebody's bones?

16 A. Yes, sir.

17 Q. You just don't know whose bones they are?

18 A. Correct.

19 Q. You certainly don't know if they're the
20 complainant's bones of this case.

21 A. Correct.

22 Q. All right. Now, when you are called to a scene as
23 a CSU, your job is to process that scene and develop
24 anything that might be relevant to the investigation,
25 correct?

1 A. Correct.

2 Q. So, when you take all these pictures, you don't
3 really know if they're going to be relevant or not. You
4 just don't know if you don't take the pictures, then we
5 won't have pictures of them.

6 A. Exactly.

7 Q. So, just because you took 90 or 100 pictures
8 doesn't mean they're relevant. It's just that you took
9 those pictures to see if they might be relevant?

10 A. Exactly.

11 Q. When there are multiple pictures taken basically of
12 the same thing but maybe of a little different angle or
13 something, you just don't know at the time you're taking
14 them what angle might be important.

15 A. Correct.

16 Q. And the video is just sort of a -- so the jury can
17 see it live, as you walk through the scene.

18 A. Exactly.

19 Q. Do you have a way to figure out what the distance
20 was in the spread of the bones, how far they were apart? I
21 know you measured everything. I don't want you to spend an
22 hour figuring all that out but --

23 A. Yeah. If you -- if we took the -- we would
24 actually have to go in and look at the measurements that I
25 have and --

1 Q. Okay.

2 A. -- extrapolate from there.

3 Q. Could you estimate that? Would you feel
4 comfortable giving an estimate without having to figure it
5 out to the exact inch or whatever?

6 A. I would say ballpark, maybe 40 feet.

7 Q. 40 feet?

8 A. Maybe. Well, we're looking at a major cluster.

9 Q. Uh-huh.

10 A. And I'm going by what I was looking at down here
11 versus -- I mean, we would have to measure -- but, yeah,
12 remember we had some pulled downhill.

13 Q. Yeah. Let me --

14 A. That may not quite be 40 feet.

15 Q. Well, I'm not holding you to 40 feet anyway. But I
16 don't want you to have to figure all that out
17 mathematically.

18 A. Thank you.

19 Q. I want to get that picture that has the big
20 cluster. I know which one it is because there's two of them
21 that look like they're the same picture. I think it's 40
22 and 47.

23 MR. CORNELIUS: Can I stand over there, Judge?

24 THE COURT: Sure.

25 Q. (BY MR. CORNELIUS) These two, without putting them

1 up on the board, 40 and 47, those are pictures of the same
2 cluster, right?

3 A. Yes, sir.

4 Q. These right here.

5 MR. CORNELIUS: Can I just pass by the jury,
6 Judge?

7 THE COURT: Sure.

8 Q. (BY MR. CORNELIUS) Now, that's some -- what is
9 that white spot?

10 A. That's the glare.

11 THE COURT: It's the glare.

12 THE WITNESS: I'm sorry, Your Honor.

13 THE COURT: It's just that light over there.
14 There we go.

15 Q. (BY MR. CORNELIUS) Now, where that 7 is, can you
16 see it on your screen?

17 A. Yes, sir.

18 Q. Is that where the skull was?

19 A. Yes, sir.

20 Q. Okay. Now, there might be -- is this all the bones
21 or is there some individual bone or bones that have been
22 carried away?

23 A. Correct.

24 Q. Okay. Let's just stick with this for a minute.

25 A. Yes.

1 Q. Because clearly an animal probably took a bone
2 somewhere.

3 A. Exactly.

4 Q. What would you estimate this distance to be, there
5 where this bone is to the top up here?

6 A. Oh, maybe 15, 20 feet.

7 Q. 15 or 20 feet. So, that would be from where you
8 are to the counsel table or more?

9 A. Yes.

10 Q. Okay. So, it's a pretty good spread of bones?

11 A. Yes.

12 Q. And how wide would you say that spread would be?

13 A. Oh, count -- are we counting the burn spot in
14 there?

15 Q. Yeah, well, from this point, say, to that point?

16 A. 10 or 15 feet.

17 Q. 10 or 15 feet. So, pretty good area of bones.

18 You're thinking that the reason that they're spread out is
19 because of animals.

20 A. Yes, sir.

21 Q. And when we looked at that picture -- I'll put it
22 up so we know what we're talking about -- of the bones on
23 top of the body bag. Where is that? Like, the last one?
24 Where is that? No. 89.

25 There's actually a lot of bones missing,

1 right?

2 A. I don't know how many bones we'd say were missing.
3 Small bones are missing.

4 Q. Okay. Have you ever seen the autopsy report?

5 A. No, sir.

6 Q. Okay. All right. Well, small bones, a lot of
7 bones, whatever, there are some bones missing.

8 A. Yes, sir.

9 Q. And do you attribute that maybe to animals also?

10 A. I would.

11 Q. Now, these bones are collected and turned over to
12 the medical examiner for the medical examiner to try to
13 determine cause of death, correct?

14 A. Yes, sir.

15 Q. Because a person might have been back up there in
16 the homeless camp and had a heart attack for all we know,
17 right?

18 A. Possibly.

19 Q. Or got killed by somebody in the homeless camp for
20 all we know, correct?

21 A. Possibly.

22 Q. Or committed suicide. I mean, we don't know.

23 A. Correct.

24 Q. All right. And part of your job is to get all that
25 stuff so people can look at it.

1 A. Yes, sir.

2 Q. And in collecting the bones and the clothing that
3 you collected and some clothing that came from the -- what
4 we're calling the homeless camp -- I mean, I don't know if
5 it's a homeless camp or not. Were there actually homeless
6 people there or it just looked like it was?

7 A. It just looked like it was.

8 Q. Okay. Was it actually a camp when you got there?
9 Were there people actually camping there, living there?

10 A. Not when I got there.

11 Q. Okay. You're kind of implying maybe somebody else
12 saw them or you heard that somebody --

13 A. I was told it was a homeless camp.

14 Q. Somebody told you that?

15 A. Right.

16 Q. But you didn't see any homeless people or any kind
17 of people living there, right?

18 A. I saw homeless people on the sidewalk who were
19 watching us.

20 Q. And you thought maybe they lived there.

21 A. I don't know that they lived there.

22 Q. Or maybe hung out there, whatever homeless people
23 do?

24 A. Hung out.

25 Q. Okay. Did you find any crack pipes or anything to

1 indicate to you it might be a place where people smoked
2 crack?

3 A. I did not find -- at the homeless camp or --

4 Q. Either one, either place?

5 A. No, sir.

6 Q. Well, the clothing that you recovered, everything
7 that you recovered is, as you explained to the jury, is
8 tagged and taken to the property room -- well, the bones
9 were taken by the ME, right?

10 A. Yes.

11 Q. But the other pieces of possible evidence were
12 tagged and put in the property room.

13 A. Correct.

14 Q. At HPD.

15 A. Correct.

16 Q. And then the detectives then direct -- I say
17 detectives. They're not called detectives anymore. The
18 homicide investigators direct what tests they want on this
19 stuff, right?

20 A. Correct.

21 Q. Because they could attempt to get DNA, right?

22 A. Yes, sir.

23 Q. And if this guy's a suspect, they could see if his
24 DNA is going to be in that stuff, right?

25 A. They could.

1 Q. They'd at least try to, correct?

2 A. Correct.

3 Q. Hair, right?

4 A. Correct.

5 Q. Fibers, some kind of fiber evidence.

6 A. They can try.

7 Q. Okay. Fingerprints.

8 A. You can try.

9 Q. Blood, semen, all that kind of stuff, right?

10 A. You can try.

11 Q. All right. I mean, that's why you collected it,
12 though, right?

13 A. Yes, sir.

14 Q. Now, the person whose bones were found there -- I
15 guess the medical examiner might be able to tell if that
16 person was shot. Maybe. If they find indication through a
17 bone of a bullet, for example.

18 A. Correct.

19 Q. Or maybe a person could have got shot but it didn't
20 go through a bone.

21 A. Correct.

22 Q. They wouldn't be able to find that, right?

23 A. Right.

24 Q. Or stabbed but it didn't cut a bone, correct?

25 A. Correct.

1 Q. The homeless camp, how far was the homeless camp
2 from where the main distribution of the bone area was?

3 A. Well, as you saw in the video, I had to just walk
4 around the trees to go into the homeless camp, so --

5 Q. Tell me -- I did see that but, you know, it's --
6 even with a video or photograph, the depth perception is
7 very difficult to --

8 A. Yes, it is. And it would depend upon if you're
9 going through the trees or around. It was pretty thick in
10 the trees. So, I would say tree -- going through the
11 forest, maybe 20, 30 feet.

12 Q. 20 or 30 feet. Okay. Well, I'm -- what I'm going
13 to refer to now is the smell of this decomposing body.

14 A. Correct.

15 Q. That smell will travel 20 or 30 feet, wouldn't it?

16 A. Exactly.

17 Q. Okay. Whether there's trees there or shrubs.

18 A. Exactly.

19 Q. Were you able to see any animal tracks to try to
20 determine what kind of animals might have been at that
21 scene?

22 A. No, sir.

23 Q. Was anybody on the anthropology team, if you know,
24 skilled in that regard?

25 A. Tracks?

1 Q. Yeah, animal tracks?

2 A. Not that I know of.

3 Q. Okay. Because it might make some difference as to
4 how much a particular animal might weigh as to what kind of
5 damage they may do to the bones. That's why I'm asking if
6 any observations were made that you know of as to the kind
7 of animals that may have been involved in this scene? You
8 don't know, right?

9 A. Correct. You would have to talk with the
10 anthropologist.

11 Q. Okay. Shell casings. Any shell casings found?

12 A. No, sir.

13 Q. And I guess the same for projectiles. Not just the
14 spent casing, but the projectile. No bullets found?

15 A. None were found.

16 MR. CORNELIUS: Okay. I'll pass the witness
17 at this time.

18 THE COURT: Ms. Fuller?

19 MS. FULLER: Briefly, Your Honor.

20 **REDIRECT EXAMINATION**

21 Q. (BY MS. FULLER) When Mr. Cornelius was asking you
22 about the collection of evidence, your response was always,
23 "You can try."

24 A. Yes.

25 Q. What did you mean by "you can try" when he was

1 referring to collecting hair fibers, blood, semen? What did
2 you mean by that?

3 A. Well, you can always try to get these things but
4 the longer your body has been out in the elements, the less
5 chance you're going to have of finding evidence like that.
6 I mean, we're talking about the grass had already grown on
7 top of these bones.

8 Q. So, the length of time that a body has been exposed
9 to the elements, the rain, the humidity --

10 A. The animals.

11 Q. The animals, the heat, all of those are going to
12 play a factor into what kind of evidence you can recover?

13 A. Yes, ma'am.

14 Q. You also mentioned the smell of the decomposing
15 body.

16 A. Yes, ma'am.

17 Q. From the scene that you saw, you testified with one
18 of the pictures that there was a burn mark on the ground?

19 A. Yes, ma'am.

20 Q. Is that evident of the body actually decomposing
21 there?

22 A. Yes, it is.

23 Q. Versus decomposing someplace else and being dumped
24 in that location.

25 A. Correct.

*Sheridan Rowe Langford - September 19, 2011
Redirect Examination by Ms. Fuller*

1 *MS. FULLER:* Pass the witness.

2 *THE COURT:* Mr. Cornelius.

3 *MR. CORNELIUS:* Nothing at this time, Judge.

4 *THE COURT:* All right. May this witness be
5 excused? On call?

6 *MS. FULLER:* Yes, Your Honor.

7 *MR. CORNELIUS:* Yes, Your Honor.

8 *THE COURT:* Thank you, Officer. You are free
9 to go. Please do not discuss your testimony with any of the
10 other witnesses.

11 *THE WITNESS:* Yes, ma'am.

12 *THE COURT:* Thank you so much.

13 *THE WITNESS:* Thank you.

14 *THE COURT:* Call your next witness, please.

15 *MS. FULLER:* State calls Juli Rehfuss.

16 *THE COURT:* Right up here, please, ma'am.

17 Right up here. If you would, please raise your right hand
18 to take the oath.

19 (*Witness sworn.*)

20 *THE COURT:* Have your seat, please. And if
21 you would, please state and spell your name for my court
22 reporter.

23 *THE WITNESS:* Yes. My name is Juli Rehfuss,
24 J-U-L-I, last name Rehfuss, R-E-H-F-U-S-S.

25 *THE COURT:* You may proceed.

1 MS. FULLER: Thank you, Your Honor.

2 JULI REHFUSS,

3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 Q. (BY MS. FULLER) Good afternoon, Ms. Rehfuss. Who
6 are you employed by?

7 A. I'm employed by the Houston Police Department Crime
8 Laboratory, City of Houston.

9 Q. What do you do at the crime laboratory?

10 A. I am a serologist.

11 Q. What does that mean?

12 A. I screen evidence for the -- for bodily fluids,
13 such as blood and semen.

14 Q. Okay. Can you tell us a little bit about your
15 educational background?

16 A. Yes. I have a bachelor of science degree from
17 North Carolina State University.

18 Q. And what is the bachelor of science degree in?

19 A. Oh, in biology. Excuse me.

20 Q. And any other further education past that?

21 A. No, ma'am.

22 Q. Okay. And are you a member of any type of
23 professional organizations?

24 A. Yes, ma'am. I am a member of the Association of
25 DNA Analysts and Administrators as well as the Southwestern