

1 not be left on an item?

2 A. Yes.

3 MS. DEVINE: Your Honor, I'll pass the  
4 witness.

5 THE COURT: Mr. Graber.

6 MR. GRABER: No further questions.

7 THE COURT: You may step down, sir.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: Okay. Ladies and gentlemen,  
10 we'll go ahead and take our lunch break. Please retire  
11 to the jury room.

12 (Lunch recess)

13 (Open court, defendant and jury present)

14 THE COURT: Please be seated.

15 All right. State, call your next witness  
16 for the purposes of the record.

17 MS. BAILY: State calls Deputy Sams.

18 THE COURT: All right. Go ahead.

19 **MICHAEL SAMS,**

20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 **BY MS. BAILY:**

23 Q. Deputy, can you begin by stating your full name  
24 for the record?

25 A. Michael Sams.

1 Q. And, Deputy Sams, who is it that you work for?

2 A. Harris County Sheriff's Department.

3 Q. And in what capacity do you work for the  
4 sheriff's department?

5 A. I'm a crime scene investigator.

6 Q. How long have you been a crime scene  
7 investigator?

8 A. Since August of 2005.

9 Q. And how long have you been with the sheriff's  
10 office in total?

11 A. About 17 years all together.

12 Q. So -- my math -- seven years or so you've been  
13 with Crime Scene?

14 A. Yes, ma'am.

15 Q. What were you doing with the sheriff's office  
16 before you came to the Crime Scene Unit?

17 A. I worked in the jail. I also worked three  
18 years undercover narcotics. I also spent pretty much my  
19 stint back and forth between those two and Crime Scene.

20 Q. In addition to the regular peace officer  
21 certification and those requirements, what specialized  
22 training have you had that allows you to work in the  
23 Crime Scene Unit?

24 A. I've had -- for training to be a crime scene  
25 investigator, we've had in-house and also schools that

1 we're sent to from fingerprints to blood spatter to  
2 crime scene investigation. So, it's been in-house and  
3 out-of-house from different organizations that we've  
4 worked with.

5 Q. And how many hours of training would you say  
6 that you've had in total?

7 A. Hundreds.

8 Q. And have you --

9 A. I can't be specific, but hundreds of hours.

10 Q. Have you testified as an expert in terms of  
11 crime scene investigations in the past on few or many  
12 occasions?

13 A. Many.

14 Q. And for the past six years, I guess, which  
15 shift or what unit do you work?

16 A. The nightshift.

17 Q. And what is the nightshift?

18 A. Nightshift, when I first started, it was -- the  
19 hours were from 8:00 p.m. until 4:00 a.m. And now  
20 they've changed. They're from 10:00 p.m. until 6:00  
21 a.m.

22 Q. So, that's what you currently work, is 10-p to  
23 6:00 a.m.?

24 A. Yes.

25 Q. Back December 3rd, 2009, were you working that

1 same shift that you do now?

2 A. Yes, I was.

3 Q. And when you -- when you work CSU, are you part  
4 of one of the Homicide call-out units or are you guys  
5 off kind of separate?

6 A. We're separate. We're a separate entity. We  
7 work scenes that Homicide also doesn't work. Really any  
8 heinous crime, from aggravated assaults to bank  
9 robberies, things of that nature. So, we work other  
10 things other than homicides.

11 Q. So, does Homicide go out to a scene and  
12 determine if they need Crime Scene and then make a phone  
13 call to you guys?

14 A. Usually it's kind of done simultaneously.  
15 There is a -- if there's a question of whether we're  
16 going to be needed or not, I know Homicide has a -- I  
17 don't mean to degrade them, but a runner, I guess, that  
18 would get to the scene, deduce it, and then get back  
19 with us and let us know if we need to come out there or  
20 not.

21 Q. Okay. Do you recall December 3rd, 2009 being  
22 dispatched to a scene at 2519 Cadiz Circle?

23 A. Yes.

24 Q. Okay. And do you recall what time you were  
25 dispatched to that scene?

1           A.    Somewhere between 3:00 and 3:30.

2           Q.    Okay.  And for what --

3           A.    A.m.

4           Q.    3:00 to 3:30 a.m.?

5           A.    Yes.

6           Q.    For what purpose were you dispatched to that  
7 scene?

8           A.    We had been given information that a shooting  
9 had occurred and a possible homicide was going to  
10 happen.  The gentleman had not, I believe, passed away  
11 at that time, but it was not looking good.

12          Q.    Okay.  When you arrived at the scene, do you  
13 meet with any other deputies?

14          A.    Yes.

15          Q.    Do you recall who you met with?

16          A.    There were several members of the Homicide  
17 Unit.  There was a Deputy Pilkinton, Investigator  
18 Wolfford, Investigator Sergeant Reynolds, Investigative  
19 Deputy Breese (phonetic), and Investigative Sergeant  
20 Beall.

21          Q.    And without going into it, do you have a  
22 conversation with these people?

23          A.    We -- we, during the investigation, we'll have  
24 short conversations as to what needs to be done,  
25 speculations on the scene, things of that nature.

1 Q. Okay. And after this conversation, were you  
2 designated as the primary CSU at this scene?

3 A. Yes.

4 Q. Okay. And I want to show you what has been  
5 admitted as State's Exhibit 21. Do you recognize this  
6 (indicating)?

7 A. Yes.

8 Q. And how is it that you recognize this diagram?

9 A. I drew it.

10 Q. So, what I've zoomed in here on the left side  
11 of the diagram is 2519 Cadiz Circle. Is that where you  
12 responded to initially (indicating)?

13 A. Yes.

14 Q. Okay. And what did you see when you arrived at  
15 that location?

16 A. In the front yard there was evidentiary items.  
17 I noticed that the front door area had what appeared to  
18 be bullet strikes. And also in the front yard area  
19 there was a blood pool.

20 Q. Now, Deputy, what we're looking at here closest  
21 to, I guess, this tree --

22 A. Uh-huh.

23 Q. -- is fairly small (indicating).

24 A. Yes.

25 Q. What is out here to the left, this line

1 connecting the two (indicating)?

2 A. Due to the size of it, I blew it up a little  
3 bit and extended it out to the side so it would be  
4 easier to see.

5 Q. So, if we zoom in here --

6 A. You're getting the same thing as the smaller  
7 image.

8 Q. Okay. And these would be the items that you  
9 recovered from that scene?

10 A. Yes, correct.

11 MS. BAILY: Permission to approach, Your  
12 Honor?

13 THE COURT: All right.

14 Q. (By Ms. Baily) I want to show you what has been  
15 marked as State's Exhibits 108 through 118. Do you  
16 recognize the images in these photographs (indicating)?

17 A. Yes.

18 Q. And these are actually pictures you took,  
19 correct?

20 A. Correct.

21 Q. And are they fair and accurate depictions of  
22 the scene as they were at 2519 Cadiz Circle on  
23 December 3rd, 2009?

24 A. Yes.

25 MS. BAILY: Your Honor, I'll offer State's

1 108 through 118 into evidence and tender to opposing  
2 counsel for any objections.

3                   **(State's Exhibit No. 108 through 118**  
4                   **Offered)**

5                   MR. GRABER: No objection.

6                   THE COURT: State's 108 to 118 are  
7 admitted.

8                   **(State's Exhibit No. 108 through 118**  
9                   **Admitted)**

10                  Q. (By Ms. Baily) Now, Deputy, this has already  
11 been admitted earlier, State's Exhibit 5. What are we  
12 looking at here (indicating)?

13                  A. You're looking at an overview of the front  
14 porch area of 2519.

15                  Q. And when you typically respond to a scene, is  
16 it already secure?

17                  A. Yes.

18                  Q. What are these little white things we see  
19 laying on the ground everywhere (indicating)?

20                  A. Usually the first responders, the patrol  
21 officers, they do not have numbered placards, but as  
22 they find evidence, they'll put down cards or anything  
23 that basically will identify where there is evidence  
24 that they have found.

25                  Q. Now, let's talk about State's 108. This is a



1 zoomed-in picture. Is this kind of an overview of the  
2 evidence as it existed on that night (indicating)?

3 A. Yes.

4 Q. And then we'll just kind of quickly go through  
5 them, but in this area by 2519 it looks like Evidence  
6 Markers 1 through 11 (indicating)?

7 A. Yes.

8 Q. Item number --

9 A. It should be 1 through 12, I think. I think 12  
10 may not be in the picture, but those are definitely in  
11 front of 2519.

12 Q. Was 12 possibly down the street?

13 A. One moment.

14 Yes, you are correct. 12 was down the  
15 street. So, it's just 1 through 11 in front of the  
16 house.

17 Q. Okay. And while you've brought up 12, I want  
18 to show you State's Exhibits 119 and 120. Are these  
19 fair and accurate depictions of the scene further down  
20 the street that you recall --

21 A. Yes.

22 Q. -- from December 3rd (indicating)?

23 A. Yes.

24 MS. BAILY: Your Honor, at this time, I'll  
25 offer State's 119 and 120 into evidence and tender to

1 opposing counsel for any objections.

2 **(State's Exhibit No. 119 and 120 Offered)**

3 MR. GRABER: No objections.

4 THE COURT: 119 and 120 are admitted.

5 **(State's Exhibit No. 119 and 120 Admitted)**

6 Q. (By Ms. Baily) So, at this scene, 2519, it's 1  
7 through 11, right?

8 A. Correct.

9 Q. Okay. And where is 1 in this photograph?

10 A. 1 is a purple towel. It's going to be, I  
11 believe, back behind 2, if you can see further up right  
12 here (indicating).

13 Q. Is there a specific way that you as a crime  
14 scene officer walk a scene such as this? Is there an  
15 order to your markers here?

16 A. Well, usually what will happen, as I arrive at  
17 the scene I will meet with the primary responder that's  
18 gotten there whose scene it is, patrol officer. And  
19 he'll walk me through and show me what evidence they've  
20 come up with and they've been able to observe. If it  
21 requires me to go into the house, I will do that, but  
22 usually it's to get an overview of everything so we have  
23 an idea of what we're looking at, whether we're going to  
24 need some more specific type of equipment, the length of  
25 time it may take, things of that nature.

1 Q. Okay. So, if we start at No. 1, this is from  
2 the driveway closer to the front door (indicating)?

3 A. Correct.

4 Q. What is it we see in State's Exhibit 109? What  
5 is -- what are you marking here with Evidence Marker  
6 No. 1?

7 A. At the scene -- it's a towel. At the scene  
8 there were several towels on the ground that were  
9 supposedly used for care of the victim as he was hurt --  
10 when he was hurt.

11 Q. And State's Exhibit 2 (indicating)?

12 A. Another towel.

13 Q. And in State's Exhibit 3, what does this appear  
14 to be? I'm sorry. State's Exhibit 111, Evidence Marker  
15 3 (indicating).

16 A. Is another towel.

17 These were two towels laying on top of each  
18 other.

19 Q. And that's in State's Exhibit 112. Do you  
20 recall which towel was under this one (indicating)?

21 A. Let's see. I have a white towel as No. 4 and a  
22 pink towel as No. 5.

23 Q. State's 113. What are we looking at here  
24 (indicating)?

25 A. It's one of the .45 casings that were found at

1 the scene.

2 Q. And what would this little piece of paper be  
3 (indicating)?

4 A. The piece of paper is the pre-marking that the  
5 first responders usually use.

6 Q. So, Evidence Marker 6 is a .45 caliber casing?

7 A. Yes.

8 Q. Evidence Marker 7 (indicating)?

9 A. Another casing.

10 Q. And what does it appear like it is down here,  
11 this red matter (indicating)?

12 A. It's probably blood, most likely.

13 Q. State's Exhibit 115, Markers 8 and 9, what do  
14 those appear to be (indicating)?

15 A. More casings.

16 Q. And what caliber casings?

17 A. .45.

18 Q. That's just a close-up of 9 in State's 116  
19 (indicating).

20 State's 117 (indicating)?

21 A. More casings.

22 Q. Okay. And what caliber?

23 A. .45.

24 Q. State's Exhibit 11 (indicating)?

25 A. .45 casing.

1 Q. So, in total -- and, I guess, State's 14 is a  
2 view from the front porch out (indicating)?

3 A. Yes.

4 Q. Before you placed your evidence markers down?

5 A. Correct.

6 Q. Okay. In total, how many -- at this scene,  
7 2519, how many .45 casings did you find?

8 A. Six.

9 Q. Six casings?

10 A. Yes, ma'am.

11 Q. Did you find any other firearms evidence at  
12 that location?

13 A. In the house we found the actual weapon that  
14 was used by the decedent.

15 Q. How was it that you were granted entry into  
16 that house?

17 A. The lady that was there at the house,  
18 Ms. Contreras, I believe -- yes, Contreras -- she  
19 allowed us in because she had placed the weapon  
20 underneath a -- a dresser in the house.

21 Q. So, she gives you consent to search, you go in  
22 and you recover a weapon?

23 A. Yes, ma'am.

24 Q. I'm going to show you what's been marked as  
25 State's Exhibit 17, State's Exhibit 18. And State's

1 Exhibit 19, we're just going to leave these in this bag  
2 for now (indicating).

3 A. All right.

4 Q. Do you recognize these items?

5 A. Yes, ma'am.

6 Q. And were these items recovered from Olga  
7 Contreras' house on December 3rd, 2009?

8 A. Yes, ma'am.

9 MS. BAILY: Your Honor, at this time we'll  
10 offer State's Exhibits 17, 18, and 19 into evidence and  
11 tender to opposing counsel for any objections.

12 **(State's Exhibit No. 17 through 19 Offered)**

13 MR. GRABER: No objection, Judge.

14 THE COURT: State's 17, 18, and 19 are  
15 admitted.

16 **(State's Exhibit No. 17 through 19**

17 **Admitted)**

18 Q. (By Ms. Baily) And, Deputy, when you recovered  
19 State's Exhibits 17 and 18, was 18, the magazine,  
20 actually in the gun (indicating)?

21 A. Yes.

22 Q. And in State's Exhibit 19, what do we have here  
23 (indicating)?

24 A. We have .45 caliber cartridges.

25 Q. And where were they taken from?

1           A.    Out of the magazine.

2           Q.    So, when you recovered the gun, it still had  
3 these cartridges in it?

4           A.    Yes, ma'am.

5           Q.    I also want to show you what we have marked as  
6 State's Exhibits 121 through 126. Do you recognize  
7 these items (indicating)?

8           A.    I recognize the packaging, yes, ma'am.

9           Q.    And how do you recognize the packaging?

10          A.    They're what I placed the .45 caliber casings  
11 into and then marked them.

12          Q.    And you placed each casing into an individual  
13 baggie?

14          A.    Yes.

15          Q.    And you can see from the pictures what the  
16 casings look like, would you say?

17          A.    Yes.

18          Q.    So, there's -- do you think there's a need for  
19 us to open them?

20          A.    I don't think so.

21                   MS. BAILY: Your Honor --

22          Q.    (By Ms. Baily) And that is your handwriting; it  
23 doesn't appear to be changed in any way (indicating)?

24          A.    No, ma'am.

25                   MS. BAILY: Your Honor, at this time, I'll

1 also offer into evidence 121 through 126, the casings.

2 **(State's Exhibit No. 121 through 126**

3 **Offered)**

4 MR. GRABER: No objections, Judge.

5 THE COURT: State's 121 through 126 are  
6 admitted.

7 **(State's Exhibit No. 121 through 126**

8 **Admitted)**

9 Q. (By Ms. Baily) And, Deputy, these each have a  
10 number on them that corresponds with the evidence marker  
11 that they came from, correct (indicating)?

12 A. Yes, ma'am.

13 Q. So, if we look at No. 8, that corresponds to  
14 the picture with the No. 8 placard (indicating)?

15 A. Yes, ma'am.

16 Q. Okay. But they're all uniformed .45 casings?

17 A. Yes, ma'am.

18 Q. Did they appear to be the same type bullets and  
19 casings found in the gun that you found on the scene?

20 A. Yes, ma'am.

21 Q. So, did it appear from you that those six .45  
22 casings found there on the street had come from this  
23 weapon?

24 A. Yes, ma'am.

25 Q. I also want to show you -- if I can put it up



1 here -- the weapon. Did you notice anything about the  
2 condition of the firearm when you recovered it?

3 A. Yes, ma'am. The damage done to it had the same  
4 appearance, same type of appearance that you would see  
5 from a projectile strike.

6 Q. And is that what we're looking at here --

7 A. Yes, ma'am.

8 Q. -- the trigger (indicating)?

9 It looks like part of the plastic is  
10 missing.

11 A. Yes, ma'am.

12 Q. So, that, to you, indicates that it might have  
13 been struck by a projectile?

14 A. Yes, ma'am.

15 Q. And in State's Exhibits 15, what are we looking  
16 at here (indicating)?

17 A. It was the bedroom of the decedent and the --  
18 the dresser that the weapon was found underneath.

19 Q. And State's 16, I know it's kind of hard to  
20 tell from the lighting, but what is it that we're  
21 looking at here (indicating)?

22 A. It's the weapon.

23 Q. And you actually took a picture of it before  
24 you --

25 A. Yes, ma'am, before I moved it.

1 Q. -- took possession of it?

2 A. Yes, ma'am.

3 Q. Is that all -- aside from the gun in the house,  
4 is that all the physical evidence you found outside of  
5 2519?

6 A. Outside, yes, ma'am. I did find two fragments  
7 in walls inside the home.

8 Q. Okay. So, after inspecting the area outside of  
9 the house, when you recovered the weapon, you also look  
10 inside that residence?

11 A. Yes, ma'am.

12 Q. And you took photographs --

13 A. Yes, ma'am.

14 Q. -- of what you found?

15 A. Yes, ma'am.

16 MS. BAILY: Permission to approach, Your  
17 Honor?

18 THE COURT: All right.

19 Q. (By Ms. Baily) I want to show you what's been  
20 marked State's Exhibits 152 through 164. Do you  
21 recognize these images (indicating)?

22 A. Yes, ma'am.

23 Q. Are these fair and accurate depictions of the  
24 residence at 2519 Cadiz Circle?

25 A. Yes, ma'am.

1 Q. I also want to show you what's been marked as  
2 State's Exhibits 165 and 166 for purposes of  
3 identification. Do you recognize these items  
4 (indicating)?

5 A. Yes, ma'am.

6 Q. And what do you recognize these to be?

7 A. The packaging appears to be the same packaging  
8 I placed the projectile -- I mean the fragments into.

9 Q. Okay. That you recovered from inside of that  
10 house?

11 A. Yes, ma'am.

12 MS. BAILY: Your Honor, at this time I'll  
13 tender to opposing counsel 152 through 166 and offer  
14 into evidence.

15 **(State's Exhibit No. 152 through 166**  
16 **Offered)**

17 MR. GRABER: No objections.

18 THE COURT: 152 through 150 -- pardon me --  
19 through 166 are admitted.

20 **(State's Exhibit No. 152 through 166**  
21 **Admitted)**

22 Q. (By Ms. Baily) Deputy, State's Exhibit 152,  
23 what is this (indicating)?

24 A. It's the address marker for 2519.

25 Q. And in State's 153, what do we see here

1 (indicating)?

2 A. This is the front door patio area of 2519.

3 Q. What are we looking at here on the wall, this  
4 (indicating) --

5 A. There were multiple strikes in the area of --  
6 the front patio area of 2519.

7 Q. And is State's 154 a close-up of --

8 A. Yes, ma'am, more possible projectile strikes.

9 Q. And where was this located (indicating)?

10 A. It looks like a pillar that was on the front  
11 porch right there (indicating).

12 Q. So, right here (indicating)?

13 A. Yes, ma'am.

14 Q. This is just a close-up of that?

15 A. Yes, ma'am.

16 Q. State's Exhibit 155, what are we looking at  
17 (indicating)?

18 A. I believe another shot -- we were using film at  
19 that time. So, there's no way to go back and review as  
20 you can now with digital. So, you just took what you  
21 thought was a good shot.

22 Q. I think part of it may actually be our lighting  
23 because it looks better on the picture, but does this  
24 appear to be an entrance or an exit (indicating)?

25 A. Entrance.

1 Q. State's Exhibit 156, what do we -- where is  
2 this (indicating)?

3 A. Again, it's at the doorjamb of the front door  
4 area, 2519.

5 Q. So, is this on the outside of the front door?

6 A. Yes, ma'am.

7 Q. As you walk up to the front door, which side?

8 A. I believe this is to the -- if you're facing  
9 the door, it's going to be to the east.

10 Q. Oh, help me out with right or left.

11 A. It's going to be to the left side, I believe.  
12 I believe.

13 Q. State's Exhibit 157, what does this appear to  
14 be (indicating)?

15 A. Another projectile strike on the left side of  
16 the patio area.

17 Q. And is State's 158 a close-up of that  
18 (indicating)?

19 A. Yes, ma'am.

20 Q. Did you -- with these strikes, did you recover  
21 any actual bullets in the wall, anything like that?

22 A. No, ma'am. No fragments were recoverable from  
23 any of these strikes on the outside.

24 Q. Does that surprise you?

25 A. No, it doesn't. It's not unusual for --

1 MR. GRABER: I'll object. Nonresponsive,  
2 Judge.

3 THE COURT: Sustained.

4 Q. (By Ms. Baily) It doesn't surprise you?

5 A. No.

6 Q. Why?

7 A. In my experience, bullets sometimes, when they  
8 hit an object, for some reason they totally  
9 disintegrate. It depends on what they're made out of,  
10 the angle that they've hit. There's a lot of factors  
11 that are taken into account, so -- but from the strikes  
12 on the front porch area, no fragments were recovered.

13 Q. Based on your training and experience, if we  
14 were to talk about a 223 bullet, would you expect those  
15 to disintegrate?

16 A. It's very possible, yes.

17 Q. State's Exhibit 158, the scene, it didn't look  
18 like this when you showed up, did it (indicating)?

19 A. No, no. It didn't have the tape on the wall.

20 Q. Who did the tape?

21 A. I did.

22 Q. And each time we see a "T" or a 90-degree  
23 intersection, what are we looking at here, Deputy  
24 (indicating)?

25 A. Those are strikes.

1 Q. So, from looking at this picture how many  
2 strikes do we see on the front door of this residence?

3 A. I'm counting ten.

4 Q. Including the one up here (indicating)?

5 A. Ten, unless I'm missing one.

6 Q. And State's 161, what is this (indicating)?

7 A. This is the back of the door looking out.

8 Q. The back of that same door?

9 A. Yes, ma'am.

10 Q. State's 160 (indicating)?

11 A. It's the front of the door again.

12 More pictures of strikes.

13 Q. And State's 162 (indicating). Let me back up a  
14 little bit.

15 A. Inside of the door at the top right-hand  
16 corner.

17 Q. And what does this appear to be (indicating)?

18 A. An exit of the projectile.

19 Q. So, the projectile actually went through the  
20 entire front door?

21 A. Yes.

22 Q. State's Exhibit 163. It may be a little hard  
23 to see. Can you touch on the screen what we're looking  
24 at here (indicating)?

25 A. Right in that area. And then there's another

1 one right there (indicating). Strikes from possible  
2 projectile fragments.

3 Q. Are they strikes or are they possible --

4 A. They're strikes.

5 Q. Okay. And State's 164 (indicating). I'm  
6 sorry. I moved it on you.

7 A. Right there, another strike (indicating).

8 Q. Where, Deputy, did you recover State's Exhibits  
9 165 and 166 from, these bullet fragments (indicating)?

10 A. The walls inside the home.

11 Q. Are they pictured in these photographs?

12 A. Yes. I believe that was one of the areas and  
13 the previous picture, I think, contained the other one  
14 (indicating).

15 Q. Okay. So, one fragment was recovered from this  
16 area (indicating)?

17 A. Yes.

18 Q. And where is this area as you -- as you come in  
19 the front door?

20 A. It's pretty much directly south of the door.

21 Q. So, as you walk in the front door, this is the  
22 wall that you would see --

23 A. Yes, ma'am.

24 Q. -- right in front of you?

25 So, one bullet strike up here above the



1 doorway (indicating)?

2 A. Yes, ma'am.

3 Q. And then is this -- is 164, is it this wall  
4 down here that we're looking at (indicating)?

5 A. Yes, ma'am.

6 Q. Okay. So, it's actually as you walk under  
7 this?

8 A. Yes, ma'am.

9 Q. And that's where these two bullet fragments  
10 were recovered?

11 A. Yes, ma'am.

12 Q. Is that all of the firearm -- these bullet  
13 fragments, is that all the physical evidence that you  
14 collected from inside that residence?

15 A. Yes, ma'am, I think so.

16 Q. In addition to the evidence inside and outside  
17 of 2519, did you go to any other areas in that culdesac  
18 to collect evidence?

19 A. Yes, ma'am.

20 Q. What is the next area that you went to to  
21 collect this evidence?

22 A. There was a -- as we've already previously  
23 spoke about, No. 12, the 9-millimeter casing that was in  
24 front of 2518. And then there was a -- several multiple  
25 casings found in front of 2527.

1 MS. BAILY: Permission to approach, Your  
2 Honor?

3 THE COURT: Okay.

4 Q. (By Ms. Baily) Do you recognize the images in  
5 these photographs --

6 A. Yes, ma'am.

7 Q. -- State's 119, 120, 24 and 25 (indicating)?

8 A. Yes, ma'am.

9 Q. And are these -- these are images of the casing  
10 you found at 2518 Cadiz Circle?

11 A. Yes, ma'am.

12 Q. I want to show you what's been marked as  
13 State's Exhibit 127. Do you recognize this  
14 (indicating)?

15 A. Yes, ma'am. The packaging, yes, ma'am.

16 Q. How do you recognize this packaging?

17 A. My markings are on it.

18 Q. What is this item?

19 A. It's a 9-millimeter casing.

20 Q. And that was found by 2518 Cadiz Circle?

21 A. Yes, ma'am.

22 MS. BAILY: Your Honor, I'll offer State's  
23 127 into evidence and tender to opposing counsel for any  
24 objections.

25 (State's Exhibit No. 127 Offered)

1 MR. GRABER: Can I take the witness on voir  
2 dire regarding something on this?

3 THE COURT: Okay.

4 MR. GRABER: May I approach the witness?

5 THE COURT: Okay.

6 **VOIR DIRE EXAMINATION**

7 **BY MR. GRABER:**

8 Q. You indicated that Marker No. 12 was recovered  
9 from 2518 Cadiz Circle; is that correct?

10 A. Yes, sir.

11 Q. Is Item No. 12 --

12 A. I'm sorry -- yeah, 2518.

13 Q. And is Item No. 12 the item depicted in State's  
14 Exhibit No. 127 (indicating)?

15 A. Yes, sir.

16 Q. On the back of State's Exhibit No. 127 is  
17 written the address 2522. Can you explain that?

18 A. Okay. I guess it was a mis-write of my hand,  
19 but No. 12 is in front of 2518.

20 Q. I see where your report supports what you just  
21 indicated about Item 12 coming from that address,  
22 correct?

23 A. Correct.

24 Q. So, do you think that regarding the item that  
25 is inside State's Exhibit No. 127 --

1 A. Yes, sir.

2 Q. -- can you testify -- because there's a  
3 conflict here -- is it Item No. 12 with that address or  
4 did it come from 2522?

5 A. It's in front of 2518.

6 Q. Are you sure about that?

7 A. Yes, sir.

8 Q. Even though it says 2522 at the top?

9 A. Yes, sir.

10 MR. GRABER: Okay. With that, we have no  
11 objection.

12 THE COURT: State's 127 is admitted.

13 (State's Exhibit No. 127 Admitted)

14 DIRECT EXAMINATION

15 CONT'D BY MS. BAILY:

16 Q. Deputy, just to clear it up, this is your  
17 diagram you created, right?

18 A. Yes.

19 Q. And here in very tiny writing, but what did you  
20 note here in front of the driveway of 2518 Cadiz Circle  
21 (indicating)?

22 A. It was a 9-millimeter casing.

23 Q. And is that the only 9-millimeter that you  
24 found in that area?

25 A. Yes, ma'am.

1 Q. Okay. And the point defense counsel was making  
2 is that on the evidence bag you actually wrote 2522,  
3 which is the next house up, right?

4 A. Yes, ma'am.

5 Q. Was writing that address on this a mistake?

6 A. Yes.

7 Q. So, in fact, did Evidence Marker 12, did this  
8 item come from this location (indicating)?

9 A. 2518, yes, ma'am.

10 Q. Okay. And that's -- and you know that because  
11 your diagram and your offense report support that?

12 A. Yes, ma'am.

13 Q. Also, in State's Exhibit 119, what is it that  
14 we're looking at here (indicating)?

15 A. That's the -- where the 9-millimeter casing was  
16 found in front of 2518.

17 Q. Okay. And this is a close-up of that marker,  
18 correct --

19 A. Yes, ma'am.

20 Q. -- on State's Exhibit 120 (indicating)?

21 In addition to that, there are no other  
22 evidence markers in that area that you recovered  
23 anything, right?

24 A. Correct.

25 Q. So, judging by the diagram we have all the

1 evidence found at 2519 Cadiz Circle, right, that we've  
2 already talked about?

3 A. Yes, ma'am.

4 Q. We have this one 9-millimeter found down here  
5 at 2518 (indicating)?

6 A. Yes, ma'am.

7 Q. Did you find any other evidence in the  
8 culdesac?

9 A. Yes, ma'am, in front of 2527.

10 Q. And is that what I'm zooming in on here  
11 (indicating)?

12 A. Yes, ma'am.

13 Q. Okay. It looks like a vehicle here  
14 (indicating)?

15 A. Yes, ma'am.

16 Q. Do you recall what kind of vehicle that was?

17 A. If I can refer to my notes or my report.

18 Q. Just to save you time, let me show you what's  
19 been admitted as State's Exhibit 23. Do you recall  
20 taking this photograph (indicating)?

21 A. Yes, ma'am.

22 Q. Okay. And what is it that we see in this  
23 photograph?

24 A. It is an emergency vehicle, Harris County ESD  
25 vehicle.

1 Q. And was that emergency vehicle on the scene  
2 when you arrived at it?

3 A. Yes, ma'am.

4 Q. Okay. And that's why your evidence markers are  
5 all around it?

6 A. Yes, ma'am.

7 Q. Okay. And what house is in this photograph?

8 A. That's 2527.

9 Q. 2527.

10 And how many exhibit markers do we see  
11 here, 13 through --

12 A. Twelve. Twelve.

13 Q. Okay. 13 through what number?

14 A. We have 13 through 24.

15 Q. Okay.

16 MS. BAILY: Permission to approach, Your  
17 Honor?

18 THE COURT: All right.

19 Q. (By Ms. Baily) I want to show you what has been  
20 marked as State's Exhibits 128 through 139. Do you  
21 recognize the images in these photographs (indicating)?

22 A. Yes, ma'am.

23 Q. Are these fair and accurate depictions of the  
24 scene as it existed outside of 2527, I believe?

25 A. Yes, ma'am.

1 MS. BAILY: Your Honor, I'll offer State's  
2 128 through 139 into evidence and tender to opposing  
3 counsel for any objections.

4 (State's Exhibit No. 128 through 139  
5 Offered)

6 MR. GRABER: No objection, Your Honor.

7 THE COURT: State's 128 through 139 are  
8 admitted.

9 (State's Exhibit No. 128 through 139  
10 Admitted)

11 Q. (By Ms. Baily) Deputy, I want to show you this  
12 board here. Is this just a blow-up of State's Exhibit  
13 21 (indicating)?

14 A. Yes.

15 Q. And is it sort of hard to read the writing on  
16 that diagram?

17 A. Yes, ma'am.

18 Q. Okay. Do you think it would assist the jury in  
19 understanding your testimony if they were able to see it  
20 in larger form --

21 A. Yes, ma'am.

22 Q. -- for demonstrative purposes?

23 A. Yes, ma'am.

24 MS. BAILY: Permission to publish to the  
25 jury, Your Honor?



1                   THE COURT: Okay. Ladies and gentlemen,  
2 because this is a demonstrative exhibit you will not  
3 have it in the jury room during your deliberation. It's  
4 being used in order to enhance the testimony of the  
5 witness.

6           Q. (By Ms. Baily) And, Deputy, would you mind  
7 stepping down for just a second?

8                   THE COURT: Be sure and speak up so  
9 everyone can hear you, including the court reporter.  
10 All right?

11                   THE WITNESS: Yes, sir.

12           A. (Witness complies).

13           Q. (By Ms. Baily) I just want to talk about this  
14 scene outside of -- I guess is it between 2526 and 2527  
15 Cadiz?

16           A. Yes, ma'am.

17           Q. This is -- this vehicle here is the -- in  
18 State's Exhibit 21 is that EMS vehicle we've seen  
19 pictures of, correct (indicating)?

20           A. Yes, ma'am.

21           Q. Okay. What -- what is this line and this image  
22 out here (indicating)?

23           A. It's a blow-up of that same area.

24           Q. Okay. And it looks like you've marked things  
25 separately that you found in different areas.

1           A.    Yes, ma'am.  Instead of labeling each single  
2 individual casing, I basically grouped them together and  
3 labeled singularly one label for a group.

4           Q.    Okay.  And in this diagram at the north end  
5 of -- I guess the front end of the car --

6           A.    Yes, ma'am.

7           Q.    -- I believe in the picture it looks like  
8 Evidence Marker 22.  Is that fair?

9           A.    23?  That's 23.

10          Q.    23?

11          A.    Yes, ma'am.

12          Q.    I'm sorry.  Magic.

13                        So, Evidence Marker 23 is what we see at  
14 the end of that vehicle.  What was recovered there?

15          A.    A 40-caliber casing.

16          Q.    A 40-caliber.

17                        What type of casing is that?  Does that go  
18 in a shotgun, rifle, handgun?

19          A.    Usually a handgun.

20          Q.    Okay.  This cluster, this large cluster, how  
21 many casings were found here (indicating)?

22          A.    Nine.

23          Q.    And what caliber were those casings, these  
24 nine?

25          A.    223's.

1 Q. 223's.

2 Okay. So, we have a 40-caliber at the  
3 front end of the car, this cluster of nine is 223  
4 casings, and then out here to the right, further to the  
5 right, what sort of casing was recovered there  
6 (indicating)?

7 A. 12-gauge shotgun.

8 Q. And if we zoom out the picture, where -- what  
9 number evidence marker would that be (indicating)?

10 A. 20 -- 24.

11 Q. Okay. So, in that photograph, 24 is our  
12 40-caliber --

13 A. Yes.

14 Q. -- I'm sorry -- our shotgun casing?

15 A. Yes, ma'am.

16 Q. The other one is the 40-caliber. And so, this  
17 whole cluster of 13 through 22 here is 223's  
18 (indicating)?

19 A. Yes, ma'am.

20 Q. Okay. And is that all of the firearm evidence  
21 that you recovered between these two residences?

22 A. Yes, ma'am.

23 Q. So, I believe as we discussed -- I'll just show  
24 a couple of these -- Evidence Marker 23 is the  
25 40-caliber casing (indicating)?

1 A. Yes, ma'am.

2 Q. And is that what we see in State's Exhibit 138  
3 (indicating)?

4 A. Yes, ma'am.

5 Q. This here is the 40-caliber (indicating)?

6 A. Yes, ma'am.

7 Q. State's Exhibit -- I'm sorry. State's Exhibit  
8 139, to the far right of all of the casings, what are we  
9 looking at here (indicating)?

10 A. It's a 12-gauge shotgun shell.

11 Q. So, our .40 is back here, our shotgun shell is  
12 kicked out here to the right (indicating)?

13 A. Yes, ma'am.

14 Q. Is it fair to say that all of these evidence  
15 markers, all these other ones in here are 223 casings?

16 A. Yes, ma'am, except for No. 20.

17 Q. Except for No. 20?

18 A. Yes, ma'am.

19 Q. And No. 20 is -- is what?

20 A. The other 40-caliber casing.

21 Q. And No. 20 is here closer to 23 (indicating)?

22 A. Yes, ma'am.

23 Q. So, that is our other -- I'm sorry -- is our  
24 other 40-caliber casing?

25 A. Yes, ma'am.

1 Q. So, aside from those, this cluster here and the  
2 rest of these here, are all 223's (indicating)?

3 A. Yes, ma'am.

4 Q. I just want to show you one of them, but in  
5 State's Exhibit 130, is that the 223 casing  
6 (indicating)?

7 A. Yes, ma'am.

8 Q. And how is that size-wise compared to the .40?  
9 Is it longer?

10 A. It's longer, yes, ma'am.

11 Q. Is it fatter or thinner?

12 A. It's a little larger. It's definitely a larger  
13 casing. It's longer. It's a little bit thicker. It  
14 carries a lot more power to it. It's a much heftier,  
15 stronger bullet.

16 Q. What sort of firearm would you expect a 223 to  
17 be fired out of?

18 A. A rifle.

19 Q. A rifle. You can say that? It's not fired  
20 from a handgun?

21 A. No, ma'am.

22 MS. BAILY: Permission to approach, Your  
23 Honor?

24 THE COURT: Okay.

25 Q. (By Ms. Baily) State's 140 through 148. Do you

1 recognize these items (indicating)?

2 A. Yes, ma'am.

3 Q. And what do you recognize these items to be?

4 A. It appears to be the same packaging that I  
5 placed the 223 rounds in.

6 Q. And they have their corresponding evidence  
7 marker number?

8 A. Yes, ma'am.

9 Q. Okay. State's Exhibits 149 and 150, what do  
10 these appear to be (indicating)?

11 A. These appear to be the packaging that I placed  
12 the 40-caliber casings into.

13 Q. Okay. And they're Evidence Markers 20 and 23?

14 A. Yes, ma'am.

15 Q. They correspond to those?

16 A. Yes, ma'am.

17 Q. And this appears to be your writing  
18 (indicating)?

19 A. Yes, ma'am.

20 Q. State's Exhibit 151, do you recognize that  
21 (indicating)?

22 A. Yes, ma'am. It appears to be the packaging  
23 that I placed the shotgun shell into.

24 MS. BAILY: Your Honor, at this time we'll  
25 offers State's 140 through 151 into evidence and tender

1 to opposing counsel for any objection.

2                   **(State's Exhibit No. 140 through 151**  
3                   **Offered)**

4                   MR. GRABER: No objection to those items,  
5 Judge.

6                   THE COURT: State's 140 through 151 are  
7 admitted.

8                   **(State's Exhibit No. 140 through 151**  
9                   **Admitted)**

10                  Q. (By Ms. Baily) Like you said, there's a number  
11 on each envelope that tells us what evidence marker it  
12 came from, right?

13                  A. Yes, ma'am.

14                  Q. So we can compare it to that overview picture  
15 and see just exactly where everything came from, right?

16                  A. Yes, ma'am.

17                  Q. Let's talk just for a second about these  
18 casings found by this vehicle, this EMS vehicle. Did --  
19 did you find anything under the vehicle?

20                  A. No, ma'am.

21                  Q. Did you find -- was the vehicle moved at some  
22 point?

23                  A. No, ma'am.

24                  Q. The whole time you processed the scene, that  
25 vehicle was still there?

1 A. Yes, ma'am.

2 Q. Okay. And so, you searched under the vehicle?

3 A. Yes, ma'am.

4 Q. Did any of these items that were just admitted,  
5 the 223 casings, the .40 casings, or the shotgun shell,  
6 did any of them show any signs of damage as if they had  
7 been run over --

8 A. No, ma'am.

9 Q. -- by a vehicle?

10 A. No, ma'am.

11 Q. And would you be able to tell that by looking  
12 at them had they been?

13 A. Yes, ma'am. They would usually be mashed down  
14 flat.

15 Q. Okay. So, after you've recovered evidence, I  
16 guess, at all three of these locations on the culdesac,  
17 did you -- in addition to that, did you do anything else  
18 with any witnesses in that area?

19 A. Other than administer an SEM kit to  
20 Ms. Contreras and Ms. Scott, I collected no other  
21 evidence.

22 Q. Okay. You say Ms. Contreras. That's Olga  
23 Contreras?

24 A. Yes, ma'am.

25 Q. And the other lady was Crystal Scott?



1 A. Yes, ma'am.

2 Q. And when we talk about the SEM kit, that's the  
3 gun residue test --

4 A. Gunshot residue test, yes, ma'am.

5 Q. -- where you use a sticky dobber on their  
6 hands, right?

7 A. Yes, ma'am.

8 Q. You did that to Olga and Crystal and that's it?

9 A. Yes, ma'am.

10 Q. After you had collected all of this evidence --  
11 and I guess let's be clear. You diagram -- I guess do  
12 you diagram the scene while the evidence is still laying  
13 there?

14 A. Yes, ma'am.

15 Q. Okay. So, you mark it, then you diagram it,  
16 and then is it the last thing that you do that you  
17 actually pick up and actually recover each piece of  
18 evidence?

19 A. Yes, ma'am. That's pretty close to the last  
20 thing that I do, is pick up evidence.

21 Q. After you picked up the last piece of evidence  
22 at this Cadiz culdesac, what was the next thing that you  
23 were asked to do in regards to this case?

24 A. I know that a -- are you referring to the  
25 vehicle now?

1 Q. Yes, sir.

2 A. Okay. There had been a vehicle that had been  
3 recovered that I had been given information that it was  
4 associated with this case and had been taken to the  
5 print stall at the 601 Lockwood.

6 Q. And do you recall what date it was that you  
7 actually processed that vehicle?

8 A. It was -- it was the next day or two that I  
9 processed that vehicle. One moment. It was on December  
10 4th.

11 Q. Okay. So, the very next day you processed this  
12 vehicle?

13 A. Yes, ma'am.

14 Q. And did you take photos of the vehicle as and  
15 before you processed it?

16 A. Yes, I did.

17 MS. BAILY: Permission to approach, Your  
18 Honor?

19 THE COURT: All right.

20 Q. (By Ms. Baily) I want to show you the first set  
21 of photos, State's 168 through 180. Do you recognize  
22 the images depicted in these photographs (indicating)?

23 A. Yes, I do.

24 Q. And are these fair and accurate depictions of  
25 what the vehicle looked like and the evidence inside of

1 it when you processed it December 4th, 2009?

2 A. Yes it does.

3 Q. I also want to show you State's Exhibits 255  
4 through 264. Do you recognize the images in these  
5 photographs (indicating)?

6 A. Yes, ma'am.

7 Q. Are these also pictures of the truck when you  
8 processed the vehicle?

9 A. Yes, ma'am.

10 Q. Are they fair and accurate depictions of the  
11 way it looked?

12 A. Yes, ma'am.

13 MS. BAILY: Your Honor, I'll offer State's  
14 168 through 180, 255 through 264 into evidence after  
15 tendering to opposing counsel.

16 **(State's Exhibit No. 168 through 180, 255**  
17 **through 264 Offered)**

18 MR. GRABER: No objection.

19 THE COURT: State's 168 through 180, 255  
20 through 264 are admitted.

21 **(State's Exhibit No. 168 through 180, 255**  
22 **through 264 Admitted)**

23 Q. (By Ms. Baily) I want to show you what we're  
24 looking -- what are we looking at in State's 169  
25 (indicating)?

1           A.    We're looking at the exterior cab of the pickup  
2 truck in question.

3           Q.    When you process a vehicle, do you look at the  
4 outside first and then the inside, or vice versa? Which  
5 way?

6           A.    Usually go from the outside to the inside. You  
7 observe any dents, any projectile strikes, anything that  
8 may be wrong with the exterior, and then you view the  
9 interior of the vehicle.

10          Q.    Did there appear to be any projectile strikes  
11 that you noted when you viewed this vehicle?

12          A.    No.

13          Q.    And just to be clear, what type of vehicle is  
14 this?

15          A.    It's a Chevy pickup Silverado.

16          Q.    And what -- State's 173, it shows us the  
17 license plate number; is that correct (indicating)?

18          A.    Yes, ma'am.

19          Q.    Okay. And that's 37Y-ZJ9?

20          A.    Correct.

21          Q.    And how many doors does this vehicle have?

22          A.    Four.

23          Q.    I want to show you State's 170. What are we  
24 looking at here in the bed of the truck (indicating)?

25          A.    It was a large screen television set.

1 Q. Okay. And in State's 245, this is a closer  
2 picture, what does this show us (indicating)?

3 A. It is the second flat-screen television set.

4 Q. So, there are actually two flat-screen  
5 televisions?

6 A. Yes, ma'am.

7 Q. Okay. And were you able to identify the make  
8 of those televisions?

9 A. Yes, ma'am.

10 Q. And what were they?

11 A. One was a Samsung and the another one was a  
12 Sanyo.

13 Q. So, in addition to the two TVs in the back of  
14 the truck, what is it that we also see here in State's  
15 246 (indicating)?

16 A. There was a tote box, I guess; a tote box, a  
17 plastic tote box in the back.

18 Q. So, was it just the two TVs and this tote box  
19 when you got there?

20 A. Yes, ma'am.

21 Q. Okay. And then everything else that we're  
22 going to see pictures of, are those things that you took  
23 out of that, I guess, plastic tub?

24 A. Yes, ma'am.

25 Q. Okay. In State's 247, what are we looking at

1 in this image (indicating)?

2 A. I believe that was a laptop, HP laptop.

3 Q. And then in 248, it looks like you've done what  
4 (indicating)?

5 A. I've taken what was in the tote and set it on  
6 the tailgate of the truck.

7 Q. And what do we see here in this photograph?  
8 What are these plastic bags (indicating)?

9 A. They were bags of narcotics.

10 Q. And here to the left, what are these two black  
11 towers (indicating)?

12 A. Play Stations.

13 Q. What is between the Play Stations?

14 A. I believe those were just DVDs or books --  
15 DVDs.

16 Q. Okay. And then to the left of the Play  
17 Stations in this box (indicating)?

18 A. Tennis shoes.

19 Q. Is that everything -- in addition to the laptop  
20 everything that was recovered out of that tub?

21 A. Yes, ma'am, I believe so. Yes, ma'am.

22 Q. So, that's -- is that everything that you  
23 recovered from the tailgate of the truck?

24 A. Yes, ma'am.

25 Q. Not tailgate, but the bed of the truck.

1                   After you viewed the outside including the  
2 bed of the truck, did you view the interior of the  
3 truck?

4           A.    Yes, ma'am.

5           Q.    And we have some photographs of that, correct?

6           A.    Yes, ma'am.

7           Q.    And what does this photograph, 255, show us  
8 (indicating)?

9           A.    It shows the rear area of the rear seat --  
10 seating area of the truck.

11          Q.    And this shows us that it's a four-door pickup  
12 truck, right?

13          A.    Yes, ma'am.

14          Q.    Let's talk about State's Exhibit 250.  What are  
15 we looking at in this photograph (indicating)?

16          A.    Let's see.  I believe it was casings, 223  
17 casings.  I recovered four Remington 223 casings that  
18 were in the rear passenger sides of the vehicle.

19          Q.    Okay.  There appears to be two on the seat?

20          A.    Yes, ma'am.

21          Q.    Can you show us where the other two are?

22          A.    They're -- one is here, one is there  
23 (indicating).

24          Q.    Do those appear to be similar to the casings  
25 found on the scene at Cadiz Circle?

1 A. Yes, ma'am.

2 Q. State's 251, this is just another view of those  
3 two casings in the seat (indicating)?

4 A. Yes, ma'am.

5 Q. And just to be clear, which seat of the truck  
6 is this?

7 A. It's the passenger.

8 Q. Is it the front passenger, back passenger?

9 A. Rear passenger, I believe.

10 Q. Okay. What is it that we see -- I know it's  
11 hard to see in this photograph. What door are we  
12 looking at in State's 176 (indicating)?

13 A. This is the front passenger.

14 Q. And what do we see here on the floorboard  
15 (indicating)?

16 A. It was a black bag that was lying on the  
17 floorboard.

18 Q. Did you recover anything of significance in  
19 that black bag?

20 A. Yes, ma'am. It was the Tec-9.

21 Q. State's Exhibit 177 shows us a photograph of  
22 what (indicating)?

23 A. It's the glove compartment.

24 Q. Okay. And what does it appear to contain in  
25 the glove compartment?



1           A.    We had miscellaneous items, we had -- one  
2 moment.

3           Q.    And what?

4           A.    Oh, one moment.  I was making sure.

5           Q.    Okay.

6                    THE COURT:  Do you want him to answer the  
7 question?

8                    MS. BAILY:  Oh, I'm sorry.

9                    THE COURT:  You moved the picture.

10                   MS. BAILY:  I forgot where I was, Judge.

11           Q.    (By Ms. Baily) You said -- we were talking  
12 about the glove compartment.

13           A.    Yes, ma'am.

14           Q.    I got distracted.  What was in the glove  
15 compartment?

16           A.    It was miscellaneous.  I don't have the items  
17 separated by the glove compartment.  I simply have the  
18 interior -- what I recovered from the interior of the  
19 vehicle.  So, the -- specified of what was in the exact  
20 glove compartment...

21           Q.    What do we see here in the glove compartment  
22 (indicating)?

23           A.    It appears to be money or some type of paper  
24 product.  I'm not --

25           Q.    In State's Exhibit 180, what are we looking at

1 in this picture (indicating)?

2 A. This is the center console where I recovered  
3 cell phones from.

4 Q. And what does this black item here appear to be  
5 (indicating)?

6 A. It's a glove that came from the center console.

7 Q. And State's Exhibit 179, is this a picture just  
8 after we've removed that glove (indicating)?

9 A. Yes, ma'am.

10 Q. Okay. Did you find any other gloves in the  
11 vehicle?

12 A. Yes, ma'am. I found a pair of brown gloves, a  
13 pair of black gloves, a pair of yellow and black gloves,  
14 and a pair of white gloves.

15 Q. And did you tag all of those gloves that you  
16 recovered?

17 A. Yes, ma'am.

18 Q. In addition to the gloves, did you recover any  
19 other evidence of interest inside that vehicle?

20 A. I recovered a black mask, a black cap, the  
21 Enterprise rental agreement, some music CDs, a plastic  
22 bottle, and some duct tape.

23 Q. Okay. Did you -- in addition to the Tec-9, did  
24 you recover any other weapons in the vehicle?

25 A. A shotgun, a Mossberg shotgun.

1           Q.    I know this picture is kind of hard to see,  
2 Deputy, but what are we looking at in State's Exhibit  
3 256 (indicating)?

4           A.    I neglected to get a good shot of it, which  
5 I'll have to admit is my fault, but right here, if you  
6 look closely, you can see the butt of the shotgun lying  
7 on the floorboard on the front seat (indicating).

8           Q.    Okay.  So, this is the -- I guess it's laying  
9 against the center console?

10          A.    Yes, ma'am.  It's more or less leaning across,  
11 slightly up underneath the seating.  That,  
12 unfortunately, was the only picture I had of the  
13 shotgun.  Apparently, I thought I had taken another shot  
14 of it at the scene and I did not photograph it until I  
15 got it back to the lab.

16          Q.    Okay.  But where exactly -- just tell me for  
17 clarification what seat this shotgun was found near  
18 (indicating)?

19          A.    It was in the front, front seat, front seat  
20 area.

21          Q.    Driver or passenger seat?

22          A.    The butt was towards the passenger side.

23          Q.    And would that have been close to the Tec-9  
24 that you recovered?

25          A.    Yes, ma'am.  The Tec-9 is also in the bag

1 that's on the front passenger floorboard.

2 Q. And once you got those items out of the truck,  
3 did you then photograph them?

4 A. Yes, ma'am. Once I got them back to the lab  
5 area, I was able to photograph them.

6 Q. What are we looking at in State's Exhibit 259  
7 (indicating)?

8 A. That's the Mossberg shotgun that -- and the  
9 shotgun shells that I removed from it.

10 Q. And how -- I guess, explain to us what these  
11 shotgun shells --

12 A. Well, you have five live rounds. You have one  
13 expelled round --

14 Q. And --

15 A. -- spent round.

16 Q. -- which one is the expelled -- or the spent  
17 round?

18 A. Spent round.

19 Q. Which one was that?

20 A. The spent round was in the chamber. It's a  
21 pump shotgun, so you would have to actually pump it to  
22 expel it. So, when this was fired, it was not pumped  
23 again to reload, to put in a fresh casing -- or shell  
24 into the chamber.

25 Q. So, when you recovered the shotgun, it was

1 loaded with -- this is the spent round (indicating)?

2 A. Yes, ma'am.

3 Q. -- the spent round and these five live rounds?

4 A. Yes, ma'am.

5 Q. And you were able to actually take a picture of  
6 the serial number of this shotgun?

7 A. Yes, ma'am.

8 Q. And what was that?

9 A. MV10483P.

10 Q. In State's Exhibit 262, what are we looking at  
11 (indicating)?

12 A. We're looking at the Tec-9 that I removed from  
13 the bag.

14 Q. And was that weapon loaded or unloaded when you  
15 recovered it?

16 A. The magazine was loaded in it. It was loaded,  
17 yes, ma'am.

18 Q. And State's 263, if we zoom in here, what is --  
19 what is this that we're looking at (indicating)?

20 A. That's the serial number to it. It's 129697.

21 Q. Once you unloaded these weapons and  
22 photographed them, what did you do with them?

23 A. I processed them for prints and DNA.

24 Q. Okay. And did you locate any prints on them?

25 A. No.

1 Q. And you yourself, do you do DNA testing or do  
2 you send that off to somebody?

3 A. We send those to the M.E.'s office.

4 MS. BAILY: Permission to approach, Your  
5 Honor?

6 THE COURT: Okay.

7 Q. (By Ms. Baily) I want to show you what has been  
8 marked as State's Exhibit 181 through 184. Do you  
9 recognize these four items (indicating)?

10 A. Yes, ma'am. This is the packaging that I  
11 placed the 223 casings into that I recovered from the  
12 pickup truck.

13 Q. And those were actually live casings that you  
14 recovered, right?

15 A. Yes, ma'am. Live --

16 Q. By "live," I mean, they actually still had the  
17 bullets in them or were they just casings?

18 A. No. These -- one moment. These were casings.  
19 Yes, ma'am, four casings.

20 Q. Casings. So, they had been fired as well?

21 A. Yes, ma'am. These weren't cartridges.

22 Q. Okay.

23 A. These were casings.

24 Q. I want to show you what's been marked as  
25 State's Exhibits 186, 187, and 188. Do you recognize

1 these items (indicating)?

2 A. Yes, ma'am.

3 Q. And are these -- I guess, how do you recognize  
4 them?

5 A. It was what I recovered from the bag that was  
6 in the front floorboard of the pickup truck.

7 Q. And is this the same weapon that you recovered  
8 and documented in those pictures?

9 A. Yes, it is.

10 Q. And this is the Tec-9?

11 A. Yes, ma'am.

12 Q. And State's 188, where were these recovered  
13 (indicating)?

14 A. Those were in the magazine.

15 MS. BAILY: Your Honor, at this time, I'll  
16 offer State's Exhibits 181 through 184, 186 through 188  
17 into evidence and tender to opposing counsel for any  
18 objections.

19 **(State's Exhibit No. 181 through 184, 186**  
20 **through 188 Offered)**

21 MR. GRABER: No objections, Your Honor.

22 THE COURT: State's 181 through 184, 186,  
23 87, and 88 are admitted.

24 **(State's Exhibit No. 181 through 184, 186**  
25 **through 188 Admitted)**

1 Q. (By Ms. Baily) And, Deputy, this, State's  
2 Exhibit 186 here, this is what weapon (indicating)?

3 A. That's a Tec-9.

4 Q. And State's 188, I guess, was the magazine in  
5 the -- was the magazine in the weapon when you recovered  
6 it?

7 A. Yes, ma'am.

8 Q. Okay. And were these recovered from inside  
9 that magazine?

10 A. Yes, ma'am.

11 Q. Okay. How many bullets were located inside of  
12 that Tec-9?

13 A. I don't have the amount written down, but I can  
14 count them for you.

15 Q. Okay.

16 A. There were 25 on the packaging. There were 11  
17 Remmingtons and 14 CBCs.

18 Q. Okay. Do you have any idea what the capacity  
19 of a Tec-9 is, how many bullets you could get in it?

20 A. No, ma'am, I'm not sure at this time. There's  
21 different size magazines.

22 Q. But 25 were loaded into that magazine when you  
23 recovered it?

24 A. Yes, ma'am.

25 Q. Were there any in the chamber at the time you



1 recovered it?

2 A. No, ma'am. I don't record -- I didn't record  
3 any bullets being in the mag -- in the chamber.

4 Q. I also want to show you what has been marked as  
5 State's Exhibits 189 and 190. That's opened, if you  
6 want to look inside. Do you recognize -- I guess 190  
7 would include the bag and its contents (indicating)?

8 A. Yes, ma'am.

9 Q. Do you recognize these items?

10 A. Yes, ma'am.

11 Q. And where were these items recovered from?

12 A. The front floorboard of the pickup truck.

13 Q. And this is the same shotgun that you  
14 recovered?

15 A. Yes, ma'am.

16 MS. BAILY: Your Honor, at this time I'll  
17 offer State's 189 --

18 MR. GRABER: Stay there. Stay there.  
19 Sorry. I'll come to you. Sorry.

20 MS. BAILY: I'll offer State's 189 and 190  
21 including its contents into evidence.

22 **(State's Exhibit No. 189 and 190 Offered)**

23 MR. GRABER: May we approach, Judge?

24 THE COURT: Okay.

25 (At the Bench, on the record)

1 MR. GRABER: Judge, I don't have any  
2 objections except for the language on the bag that says  
3 "murder." And the State has agreed to redact that out.  
4 So, as long as they do that -- I just think that's  
5 objectionable.

6 THE COURT: I don't, but if they want to  
7 redact it, I don't care.

8 MR. GRABER: Okay. Okay. That was my only  
9 objection.

10 THE COURT: Okay.

11 MR. GRABER: I think she's agreed to do  
12 that.

13 MS. BAILY: That's fine.

14 THE COURT: Okay.

15 (Open court, defendant and jury present)

16 THE COURT: State's 189 and 190 are  
17 admitted.

18 **(State's Exhibit No. 189 and 190 Admitted)**

19 Q. (By Ms. Baily) So, we find the Tec-9 loaded  
20 with 25 bullets, the shotgun loaded with five  
21 cartridges.

22 A. Shells.

23 Q. In addition to that, did you recover some cell  
24 phones from that vehicle?

25 A. Yes, ma'am.

1 MS. BAILY: Permission to approach, Your  
2 Honor?

3 THE COURT: Okay.

4 Q. (By Ms. Baily) I'm going to show you what's  
5 been marked as State's 198. Do you recognize this  
6 photograph (indicating)?

7 A. Yes, ma'am.

8 Q. Is this a fair and accurate depiction of the  
9 cell phones that you recovered --

10 A. Yes, ma'am.

11 Q. -- in that vehicle?

12 A. Yes, ma'am.

13 Q. State's 185, do you recognize this item  
14 (indicating)?

15 A. Yes, ma'am.

16 Q. Is this the same cell phone that you recovered  
17 from that vehicle on December 4th, 2009?

18 A. Yes, ma'am.

19 MS. BAILY: Your Honor, at this time I'll  
20 offer State's 198 and 195 into evidence and tender to  
21 opposing counsel --

22 THE COURT: I think you changed the numbers  
23 on us.

24 MS. BAILY: Did I? 198 and 185.

25 THE COURT: You said 195.

1 MS. BAILY: I'm sorry.

2 (State's Exhibit No. 185 and 198 Offered)

3 MR. GRABER: No objection.

4 THE COURT: State's 185 and 198 are  
5 admitted.

6 (State's Exhibit No. 185 and 198 Admitted)

7 Q. (By Ms. Baily) State's 185, this is what kind  
8 of cell phone (indicating)?

9 A. Motorola.

10 Q. Okay. In State's 198, we actually have two  
11 phones pictured. What's the second (indicating)?

12 A. A Motorola.

13 Q. Both Motorola cell phones?

14 A. Yes, ma'am.

15 Q. Where were those located within the vehicle?

16 A. They were, I believe, in the front console.

17 Q. Okay. After you recovered all of these items,  
18 the casings from Cadiz Circle and all this evidence  
19 inside the truck, did you process them for fingerprints  
20 and DNA?

21 A. Yes, ma'am.

22 Q. The DNA, I think you mentioned, you sent on to  
23 the Institute of Forensic Sciences, right?

24 A. Yes, ma'am.

25 Q. Okay. Did you personally process the

1 fingerprints?

2 A. Yes, ma'am.

3 Q. Did you, in this case, have any identifiable  
4 prints?

5 A. Yes, ma'am.

6 Q. And on what items were those -- I guess  
7 those -- was that print recovered?

8 A. Off of the console -- a -- I'm going to get the  
9 letters messed up -- a PS3 game console.

10 Q. Okay. And who did that print come back to?

11 A. A Mr. Singleterry.

12 Q. Is that Willard Singleterry?

13 A. Willard Singleterry.

14 Q. And just to be clear, this defendant, Theadric  
15 Lee, you didn't recover his prints on any of those  
16 items, did you?

17 A. No, ma'am.

18 Q. When you swabbed the items for DNA, which items  
19 inside the vehicle did you attempt to get DNA off of?

20 A. The Motorola cell phones, the driver's side  
21 rear interior door handle, the steering wheel, the  
22 driver's interior door handle, gear shift handle, front  
23 passenger seat area, electrical cords recovered from the  
24 tote box, storage box, mouth of a Coke bottle, the  
25 Mossberg shotgun, the six shotgun shells recovered from

1 the Mossberg, the 9-millimeter Tec-9 pistol, the Tec-9  
2 magazine, the 11 Remington 9-millimeter cartridges, and  
3 the 14 CBC 9-millimeter cartridges.

4 Q. I want to go back quickly to the Coke bottle.  
5 You said from the mouth of a Coke bottle you attempted  
6 to recover DNA?

7 A. Yes, ma'am.

8 Q. Where was that Coke bottle located within that  
9 truck?

10 A. I think it was in the back seat -- one moment.  
11 I believe it was in the back seat, but, once again, I  
12 didn't specify where items were in the interior of the  
13 vehicle. I just said that they were from the interior,  
14 but I believe it was in the back seat possibly.

15 Q. If you'd refer to Page 6 of Supplement 18.

16 A. Yes, ma'am.

17 Q. I believe that may refresh your memory if you'd  
18 take just a moment to look at it.

19 A. Oh, okay. I say that the Coke bottle was  
20 recovered from the rear map pocket of front passenger  
21 seat.

22 Q. So, explain to me rear -- is that the pocket  
23 behind the front seat?

24 A. Right. If you are seated in the rear seat, the  
25 front seats -- the back of the front seats usually have

1 that extra flap that's there or pocket. I call that a  
2 map pocket. And that's where I recovered it from.

3 Q. Would that have been the map pocket right in  
4 front of the seat you recovered those 223 casings in?

5 A. Front passenger seat -- yes, ma'am. It was  
6 from the map pocket of the front passenger seat and the  
7 223's were recovered from the rear passenger side seat.

8 Q. So, the person sitting in the back passenger  
9 seat would be closest to those 223 casings and that Coke  
10 bottle?

11 A. Yes, ma'am.

12 MS. BAILY: I'll pass the witness, Your  
13 Honor.

14 THE COURT: Mr. Graber.

15 MR. GRABER: Thank you, Judge.

16 **CROSS-EXAMINATION**

17 **BY MR. GRABER:**

18 Q. I think you indicated that there were numerous  
19 items, as part of your investigation of that truck, that  
20 you checked for fingerprints, correct?

21 A. Yes, sir.

22 Q. How many different places in the truck, whether  
23 or not it's an item on the truck or one of the items in  
24 the truck, do you think you dusted for fingerprints,  
25 checked for fingerprints?

1           A.    To be specific as far as a number, I couldn't  
2 tell you.  If it was a smooth surface that I thought  
3 that I could get a print off of, I most likely dusted  
4 it.  Just like the exterior, I dusted the entire  
5 exterior except for the rooftop, areas like that.

6           Q.    So, the entire truck?

7           A.    Pretty much I powdered the truck.

8           Q.    And you indicated that you were able to find  
9 some identifiable prints, correct?

10          A.    Yes.  Off -- I got one set of identifiable  
11 prints from the MP -- what is it?  MS3 -- PS3 player  
12 that was identifiable.

13          Q.    That was the only item that you found an  
14 identifiable print that you could lift?

15          A.    No.  I lifted other prints, but it was the only  
16 one that came back with a respondent that I was able to  
17 identify.

18          Q.    And you indicated that that was tied to  
19 Mr. Singleterry, correct?

20          A.    Yes.

21          Q.    And of the items that were lifted, as you  
22 indicated, none of those items were tied or matched to  
23 the defendant, Theadric Lee, correct?

24          A.    Correct.

25          Q.    And you testified to that already, correct?



1           A.    Correct.

2           Q.    Okay.  You indicated in your testimony that in  
3 the bed of the truck, I believe, that you found three  
4 plastic bags that contained marijuana; is that correct?

5           A.    Five.

6           Q.    Correct.  And that was my point.  I thought you  
7 said three.  And if you said five and I thought you said  
8 three, then my mistake.

9                        Your report does indicate that you found  
10 and seized -- well, they were already seized --

11                       MS. BAILY:  Your Honor, I'm going to have  
12 to object.  Is there a question here?

13                       THE COURT:  There is going to be a  
14 question.

15                       Go ahead, Mr. Graber.

16                       MR. GRABER:  Thank you, Judge.

17           Q.    (By Mr. Graber) Would you agree with me that  
18 you did notate in your police report that there were  
19 five plastic bags that you observed from that truck that  
20 you processed, each of those bags containing marijuana?

21           A.    Yes, sir.

22           Q.    And as part of your investigation, your duties,  
23 you weighed each of those bags to determine the amount  
24 of marijuana that was contained in each of those plastic  
25 bags, correct?

1 A. Yes, sir.

2 Q. And would you agree with me that one of the  
3 bags contained 11 ounces of marijuana, correct?

4 A. Yes, sir.

5 Q. And the second bag contained 12 ounces?

6 A. Yes, sir.

7 Q. The third bag contained a full pound,  
8 16 ounces?

9 A. Yes, sir.

10 Q. And the fourth bag contained a full pound,  
11 16 ounces?

12 A. Yes, sir.

13 Q. And the fifth bag contained a slight bit over  
14 half an ounce, correct?

15 A. Yes, sir.

16 Q. And would you agree with me that if you add up  
17 the math on all that, that comes out to be just slightly  
18 over 3-and-a-half pounds total; is that correct?

19 A. I'll defer to your math.

20 Q. Okay. All right. The -- you testified a  
21 little bit about how at the scene on Cadiz Circle that  
22 you put out markers to indicate different spots where  
23 there was evidence of some ballistics, correct?

24 A. Yes, sir.

25 Q. And you indicated that a 45-caliber handgun was

1 consistent with the Markers 6 through 11?

2 A. The casings, yes, sir.

3 Q. The casings, yes, from a 45-caliber bullet --

4 A. Yes, sir.

5 Q. -- correct?

6 A. Yes, sir.

7 Q. And that in Markers No. 20 and 23, that those  
8 items were from -- were 40-caliber items, correct?

9 A. Yes, sir.

10 Q. And that in Item -- I think it was Marker  
11 No. 12 was a 9-millimeter item, correct?

12 A. Yes, sir.

13 Q. And so, you, as a police officer trained in  
14 ballistics as a CSU officer, you know that these three  
15 items are consistent with being fired from and used from  
16 three different types of handguns?

17 A. Yes, sir.

18 Q. You spoke about Markers No. 6 through 11 at  
19 that location. And I believe you already testified, I  
20 believe, that those items in Markers 6 through 11 are  
21 consistent -- the calibers are consistent with being  
22 fired from the handgun that you obtained after you went  
23 inside Mr. Rodriguez's house, correct?

24 A. Yes, sir.

25 Q. Meaning from Mr. Rodriguez's handgun?

1           A.    Yes, sir.

2           Q.    You spoke a little bit on direct examination  
3 about how -- you spoke a little bit about the 223 bullet  
4 casings found, spent casings found at that location,  
5 correct?

6           A.    Yeah.

7           Q.    Meaning on Cadiz Circle, correct?

8           A.    Yes, sir.

9           Q.    And I think there was a question asked of you  
10 about whether or not bullets could be fired from that  
11 location, hit an object, and disintegrate, correct?

12          A.    Yes, sir.

13          Q.    Your -- you wouldn't hold yourself out as a  
14 firearms expert, would you?

15          A.    No, sir.

16          Q.    Okay.  And I think because -- tell me if I'm  
17 right -- because you don't hold yourself out as a  
18 firearms expert, even though you probably know a lot  
19 more about it than many of us do, you qualified your  
20 answer about the bullets disintegrating by saying "it's  
21 possible," correct?

22          A.    Correct.

23          Q.    And would you agree with my terminology that  
24 when you said it's possible, that you wanted to qualify  
25 that by saying, you know, I really don't know, but it's

1 possible?

2 A. Correct.

3 Q. Would you agree with that?

4 A. Yes, sir.

5 Q. You certainly aren't saying, as a witness  
6 today, as a Crime Scene Unit officer who clearly did  
7 your job in this case, you're clearly not sitting here  
8 as a peace officer saying that it's probable that the  
9 bullets from those casings disintegrated in that home;  
10 you're not saying that, are you?

11 A. What I am saying is that I did not find any  
12 collectible fragments from any of the strikes that were  
13 possibly created by the 223 projectiles.

14 Q. But you don't -- but when you use the  
15 terminology "it's possible," you're saying that  
16 partially because you didn't find any evidence of a  
17 disintegrated bullet, correct?

18 A. Correct.

19 Q. And also because you don't know what direction  
20 those 223's were fired, do you?

21 A. The indications were that they came from  
22 directly north of that location. The strikes were -- as  
23 you can see by some of the photographs, the strikes were  
24 either dead-on or at such an angle striking into the  
25 sheetrock that they certainly weren't west or east of

1 that location.

2 Q. And let me fix or clarify my question. I did  
3 not mean to say that there were not bullet strikes that  
4 were noticeable in that house from the location where  
5 some of the items, ballistics, were found in the street.  
6 Okay?

7 A. Okay.

8 Q. My question to you is: You could not  
9 differentiate between the different types of casings  
10 that were found which one of those casings was fired at  
11 that home; would you agree with that?

12 A. Yes, sir, I agree with that.

13 Q. Okay. So just to clarify that, you would agree  
14 with me, wouldn't you, that your testimony is that a  
15 firearm made those markings on the home that you noticed  
16 when you got there, correct?

17 A. Projectiles, yes, sir.

18 Q. Okay. A projectile from a firearm?

19 A. Yes, sir.

20 Q. Thank you very much.

21 A. Yes, sir.

22 Q. Okay. And as part of the CSU Unit, your job  
23 was not to interview any of the witnesses to the offense  
24 or conduct any further investigation after what you  
25 indicated you had done in this case, correct?

1           A.    No, sir.  I had no contact with the witnesses.

2                   MR. GRABER:  I'll pass the witness, Judge.

3                   THE COURT:  Ms. Baily.

4                                   **REDIRECT EXAMINATION**

5   **BY MS. BAILY:**

6           Q.    Deputy, just really quick.  When we talk about  
7 fingerprints, people leaving fingerprints, every time  
8 somebody touches an object, are fingerprints left  
9 behind?

10          A.    No.

11          Q.    Why not?

12          A.    There are different situations that affect a  
13 lot of different conditions.  It's from -- people are  
14 what we call secreters.  Sometimes if a person is not a  
15 secreter, they won't leave a print.  If it's the winter,  
16 your skin is extremely dry, you won't leave a print.  
17 The type of object it is, it may not accept a print.  
18 So, there's different factors that determine whether a  
19 print is left or not on an object.

20          Q.    And then based on your discussion with defense  
21 counsel, the projectile strikes that you saw in the  
22 residence at 2519 Cadiz -- right?

23          A.    Yes, ma'am.

24          Q.    All of the pictures we saw of the front door, I  
25 think there was 10 strikes, the front door, the wall,

1 all around the door frame.

2 A. Yes, ma'am.

3 Q. Based on your training and experience with the  
4 Crime Scene Unit, what part of the culdesac do you --  
5 would you believe that those projectiles would have been  
6 shot from to leave the marks that they left?

7 A. From the north side.

8 Q. Okay. And can you point to us on this diagram  
9 or put an "X"?

10 A. It would need to be in this area (indicating).

11 Q. And is that consistent with the shell casings  
12 that you found --

13 A. Yes, ma'am.

14 Q. -- on that side of the street?

15 A. Yes, ma'am.

16 MS. BAILY: Pass the witness, Your Honor.

17 THE COURT: Mr. Graber.

18 MR. GRABER: Nothing further.

19 THE COURT: You may step down, sir.

20 THE WITNESS: Thank you.

21 MS. BAILY: May this witness be excused,  
22 Your Honor?

23 THE COURT: Yes.

24 All right. Let's take a break. Please  
25 retire to the jury room.