

1 (Open court; defendant and jury panel
2 present.)

3 THE COURT: Be seated, please.

4 Good morning members of the jury.

5 JURY PANEL: Morning.

6 THE COURT: Both sides ready?

7 MS. DAVIDSON: State's ready, Judge.

8 MS. SWALLERS: Defense is ready, Your
9 Honor.

10 THE COURT: Ms. Davidson, I believe you
11 had finished with video being shown yesterday and you
12 may proceed.

13 MS. DAVIDSON: Thank you.

14 **MICHAEL SAMS,**
15 having been first duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 BY MS. DAVIDSON:

18 Q Good morning. Can you state your name,
19 please?

20 A Deputy Sams, Deputy Michael Sams.

21 Q And Deputy Sams, are you the same Deputy
22 Michael Sams who was on the witness stand yesterday
23 afternoon when we broke?

24 A Yes, ma'am.

25 Q Okay. You understand you're still under

1 oath?

2 A Yes, ma'am.

3 Q I believe when we broke yesterday, it was
4 after we saw the scene video. And you told the jury
5 that you also photographed the scene; is that
6 correct?

7 A Yes, ma'am.

8 Q What is the reason you do a videotape and
9 take photographs?

10 A It's a way of maintaining a copy of the
11 scene in a moving manner, and also in a still shot
12 manner. But it also duplicates it and assures you
13 have the whole scene covered in both -- both types or
14 manners.

15 MS. DAVIDSON: I need to get a piece of
16 evidence out of here, Judge.

17 THE COURT: Sure.

18 Q (BY MS. DAVIDSON) Okay. I'm going to show
19 you what's in evidence as State's Exhibit 5, that's a
20 scene diagram.

21 A Yes.

22 Q Were you responsible for making this
23 diagram?

24 A Yes, ma'am.

25 Q As the crime unit investigator?

1 A Yes, ma'am.

2 Q Okay. Deputy, I'm going to be introducing
3 some photographs now. And what I want to do is just
4 do them room to room, to make it easier for the jury,
5 so you can explain where these pictures were taken
6 and that kind of stuff.

7 MS. DAVIDSON: May I approach the
8 witness, Judge.

9 THE COURT: You may.

10 Q (BY MS. DAVIDSON) I'm going to show you
11 what's has been marked as State's Exhibits No. 6, 12,
12 13, 14, 15, and 17. I'd like you to take a look at
13 those and tell me if you recognize those?

14 A (Witness complies.) Yes.

15 Q Do these photographs fairly and accurately
16 depict how you observed the scene on May 16th, 2008,
17 in the early morning hours of May 17th?

18 A Yes.

19 MS. DAVIDSON: Your Honor, at this
20 time, I'm going to offer into evidence State's
21 Exhibits 6, 12, 13, 14, 15 and 17, and tender them to
22 counsel for her inspection?

23 THE COURT: All right.

24 MS. SWALLERS: No objection, Your
25 Honor.

1 THE COURT: All right. State's 6, 12,
2 13, 14, 15, 17 are admitted.

3 (State's Exhibit Nos. 6, 12, 13, 14, 15
4 and 17 were admitted.)

5 Q (BY MS. DAVIDSON) Put them in order, please.

6 (Discussion off the record.)

7 Q Okay. And I'm going to be putting the scene
8 diagram up, okay. But I want you to tell the jury --
9 obviously, this is a picture of a street sign. What
10 is the purpose of taking that photograph?

11 A It definitely gives an idea of where the
12 location is in the city. It's usually -- we usually
13 try to find the closest intersection just as a
14 reference.

15 Q And that says Cascade Hollow and Springfield
16 Gardens, correct?

17 A Correct.

18 Q The complainant's house is located on
19 Springfield Garden?

20 A Correct.

21 Q Same with State's Exhibit No. 7, what's the
22 purpose of taking that kind of photo?

23 A This is just an overall photo, usually the
24 exterior. You usually work from general to specific,
25 when you're taking photos. So, you're going to start

1 off with a general, or a mass photo of the entire
2 area.

3 Q Okay. Now, State's Exhibit No. 8, tell the
4 jury what they're viewing in that photograph?

5 A What you're looking at is the face or the
6 front of the residence. The green arrow is pointing
7 into the garage area. On the driveway you have the
8 white Nissan Xterra -- Xterior. It's hard to
9 pronounce. And basically it's just the front of the
10 residence.

11 Q And when you arrived at that residence, was
12 the garage door open like that?

13 A Yes.

14 Q And all of it looked just like it does in
15 this photograph when you got there?

16 A Yes, ma'am.

17 Q State's Exhibit No. 9.

18 A Once again, front of the residence, but from
19 the -- I believe that's going to be the southwest --
20 southwest corner of the home, looking at it from that
21 angle.

22 Q And obviously there's crime scene tape. How
23 much of the -- the residence was cordoned off with
24 crime scene tape?

25 A The entire front yard was taped off all the

1 way over to the neighboring residences.

2 Q And when y'all do a perimeter like that with
3 crime scene tape, is there some kind of protocol on
4 who's allowed to cross the tape or not?

5 A Usually you only want people that have
6 business with inside -- within the interior of that
7 tape's that's specifically connected with the scene.
8 Detectives, crime scene units, maybe first
9 responders.

10 Q And if you recall that night, approximately
11 how many officers moved in and out of the crime scene
12 tape area?

13 A I -- I don't have the exact number of -- of
14 how many came in and out. I just know that it's very
15 limited. It is limited.

16 Q States' Exhibit No. 10.

17 A Again, from the -- you have -- you have a
18 shot of the front door of the residence. It appears
19 to be the northwest corner of the house. And you can
20 see the address numbers along the pillar.

21 Q State's Exhibit No. 11.

22 A This is the residence once again, an overall
23 shot. I believe that's to the north side of the
24 residence and it's basically just a general.

25 Q Okay. To get a reference for the jury,

1 State's Exhibit No. 5, this is the garage, correct?

2 A Correct.

3 Q So, that earlier photograph that you're
4 shooting in the garage, that's where the garage would
5 be; is that correct?

6 A Correct.

7 Q What are they seeing in State's Exhibit
8 No. 12?

9 A This was some belongings that was in the
10 garage, along the south wall of the garage.

11 Q Okay. Tell the jury what they're seeing in
12 State's Exhibit No. 13?

13 A Again, same belongings but from a different
14 angle. It's the garage south wall.

15 Q State's Exhibit No. 14?

16 A Again, same belongings, a closer-up shot of
17 the -- of the table that was in the garage.

18 Q State's Exhibit No. 15.

19 A A garage shot. I believe this is along the
20 north wall of that same garage.

21 Q Okay. I'm putting State's Exhibit 5 back on
22 the monitor again. You had talked about the garage
23 going into like a laundry room. Can you show the
24 jury on State's Exhibit 5 where that laundry room
25 would be?

1 A The laundry room is right here (indicating).

2 Q All right. Tell them what they're seeing in
3 State's Exhibit No. 16?

4 A Seeing the -- along the east wall of the
5 garage, more or less to the northeast corner, where
6 there's a doorway that leads into the laundry area
7 from the garage.

8 Q So now, you're getting close to going inside
9 the home?

10 A Yes.

11 Q State's Exhibit No. 17?

12 A This is a closer shot. I believe it was
13 taken to show that there was no forced entry. The
14 door was not kicked in. The door jam is intact. It
15 leads into the laundry room from the garage.

16 Q State's Exhibit No. 18.

17 A You now have a picture of the laundry room
18 itself. Washing machines are along the north wall.
19 And I believe there's a small closet maybe along the
20 south wall. I'm not sure.

21 Q And on the scene diagram, is this the
22 hallway -- the beginning of the hallway that they see
23 in State's Exhibit No. 18, as you come out of the
24 laundry room going into the residence?

25 A Yes, it is.

1 Q Approximately how big was that hallway?

2 A It may be 3, 3 and a half feet wide.
3 Lengthwise, I didn't measure it, but I could
4 estimate, maybe 20-feet, 20-feet long, 20, 25-feet.

5 Q And when you got to that location and you
6 went in, which was the first direction you went?

7 A I went south.

8 Q Okay. And from the scene diagram can you
9 show the jury?

10 A When I came in, I guess I went this way
11 (indicating).

12 Q I'm going to show you, Deputy, what I've
13 marked for identification purposes, State's Exhibits
14 22 through 25, 27 through 31, and 33 through 37. I'd
15 like you to take a look at those and tell me if you
16 recognize those?

17 A (Witness complies.)

18 Q Do these photographs fairly and accurately
19 depict the scene as you saw it on May 16th of 2008,
20 in the early morning hours of May 17th, 2008?

21 A Yes.

22 MS. DAVIDSON: Your Honor, I'd like to
23 now offer into evidence the exhibit numbers I just
24 talked about.

25 MS. SWALLERS: Judge, we would object

1 that Exhibit Nos. 22, 23, 24, 28 and 29 are all
2 substantially similar and would be cumulative.

3 THE COURT: Okay. Approach, let me see
4 them.

5 (Bench Conference.)

6 MS. DAVIDSON: Judge, can you tell him
7 which ones.

8 THE COURT: Starts with 22.

9 MS. SWALLERS: Yes, Judge.

10 THE COURT: Those objections are
11 overruled at this time. State's Exhibits 22, 23, 24,
12 25, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37 are
13 admitted.

14 (State's Exhibit Nos. 22, 23, 24, 25,
15 27, 28, 29, 30, 31, 33, 34, 35, 36, 37 were
16 admitted.)

17 (Bench Conference Concluded.)

18 Q (BY MS. DAVIDSON) Okay. So just for the
19 purposes of the jury right now, we're in this
20 bedroom, correct?

21 A Yes, ma'am.

22 Q That's the photographs that you just
23 identified as being taken in this bedroom, correct?

24 A Well, the closet photos are from the master.

25 Q Okay. All right. When we get to those

1 photos we can show the jury where that closet is,
2 okay?

3 A All right.

4 Q Okay. State's Exhibit No. 19. Tell the
5 jury what they're seeing there?

6 A That's the entrance into bedroom number one.

7 Q State's Exhibit No. 20.

8 A That is standing at the threshold of bedroom
9 number one.

10 Q And these items right here, are those like
11 little purses or what would you say?

12 A Handbags, purses, just carry bags.

13 Q State's Exhibit No. 21. What are they
14 seeing in that photograph?

15 A That is the -- the body of, I think, Joyce
16 Owens lying on the bed.

17 Q State's Exhibit No. 22.

18 A This is a overall of the bed and the body of
19 Joyce Owens.

20 Q State's Exhibit No. 23.

21 A It's a closer shot, giving more detail of
22 the body of Joyce -- Joyce Owens.

23 Q And in this photograph, State's 23, what is
24 this laying right there (indicating)?

25 A That was the wooden handled knife that was

1 found lying on the bed.

2 Q State's Exhibit No. 24.

3 A A different angle of the body of Joyce
4 Owens.

5 Q And what is this up here on the wall?

6 A We have blood spatter.

7 Q And -- and for the purpose of the jury, can
8 you tell them what blood spatter is?

9 A Blood spatter is usually -- can be caused by
10 different things. Usually in a stabbing situation,
11 you're going to have cast-off, which is also -- blood
12 spatter is a general term used for specific ways that
13 blood hits a wall or an object. Usually in a
14 stabbing, as I said, you have cast-off and this is
15 usually what you have right here above the headboard,
16 is going to be cast-off blood.

17 Q And when you say, "Cast-off," what do you
18 mean?

19 A Well, it's -- cast-off usually comes from a
20 stabbing and it usually has to be at least more than
21 one stab. Because the first stab usually will not
22 draw blood. It usually has to be the repetitive stab
23 that enters into a pool of blood. The withdrawing of
24 that weapon, the blood will then come off of the
25 weapon and hit objects that surround the area. So

1 that -- that would be cast-off.

2 Q State's Exhibit No. 25?

3 A We have a close-up of the knife, the wooden
4 handled knife.

5 Q And that would be this right here
6 (indicating), correct?

7 A Correct.

8 Q State's Exhibit No. 26.

9 A Once again, we have an overall view of a
10 straight-on angle of the body of Joyce Owens. You
11 have the knife laying to her south side hip, and the
12 cast-off directly above her head and on the
13 headboard.

14 Q So, right here on this photograph on the
15 headboard, you see cast-off, as well?

16 A Correct.

17 Q State's Exhibit No. 27.

18 A Again, you have an angle -- a close-up shot
19 of Joyce Owens' body. You have the knife. You have
20 blood smears on the pillows and the pooling of the
21 blood underneath the body.

22 Q State's Exhibit No. 28?

23 A We've -- at this point, we've removed
24 pillows that were covering Joyce Owens' body. And
25 you can see on her -- it's going to be her left hand,

1 there's a defensive wound cut. And also over on her
2 right forearm/wrist there's another cut.

3 Q So, we've got what you've characterized as a
4 defensive wound here?

5 A Correct, right, right.

6 Q Could you tell the jury what a defensive
7 wound is?

8 A Defensive wounds are usually described when
9 someone's trying to defend themselves against a
10 knife, or any other type of -- it could be a blunt
11 object or something of that sort. Basically, it's
12 the weapon that's being used against them, and they
13 try to use their hands or arms as a -- just defending
14 themselves, to keep themselves safe.

15 Q And another defensive wound here
16 (indicating).

17 A Correct, it's --

18 Q Like they put their hand up?

19 A Back of their hand. As you can tell, it's a
20 slice to the -- all the way through the skin.

21 Q And is State's Exhibit No. 29 a close-up of
22 the defensive wound on the left hand?

23 A Correct.

24 Q And is State's Exhibit No. 30 a close-up of
25 the defensive wound on the right hand?

1 A Correct.

2 Q What is State's Exhibit No. 31?

3 A At this point the body, later into the
4 investigation the ME's office had arrived and
5 removed the body. And this is a shot of the pool of
6 blood that was left behind underneath her body, that
7 was not able to be taken while the body was still
8 there.

9 Q And what is -- what is the purpose that you
10 would take a photograph like this?

11 A It's basically to see what -- you can see
12 the size of the -- the pool of blood. You can
13 basically get an idea of what drainage she had from
14 her body.

15 Q State's Exhibit No. 32?

16 A You have an overall shot along the north
17 side of the bed that Joyce Owens was lying in. And
18 the main purpose of this is to get a view of the
19 broken knife that's alongside right here
20 (indicating).

21 Q And what is State's Exhibit No. 33?

22 A Again, it's a close-up shot of the broken
23 knife.

24 Q And going back to State's Exhibit No. 5,
25 where on this diagram would that broken knife be?

1 A It's going to be this one right -- it's not
2 showing it, but it's the one along the north side of
3 the bed.

4 Q Okay. Let me go back to this one. Okay.
5 I'm now to the pictures of a closet. Thirty-four
6 through 37, that you said were the closet in the
7 master bedroom. Can you show the jury on this
8 diagram where that closet would be?

9 A That closet is going to be this one right
10 here in particular (indicating).

11 Q Okay.

12 A There are two closets, but I'm speaking of
13 that closet.

14 Q Okay. I'm going to -- actually I think I'll
15 do those when we get to the master bedroom.

16 From the bedroom one, where did you go?

17 A From bedroom one I then went to examine the
18 next body.

19 Q Okay. So you went where on State's
20 Exhibit 5?

21 A I left this bedroom and I went around here
22 (indicating).

23 Q Okay. Let's go ahead and talk about bedroom
24 two, which is right here.

25 A All right.

1 Q Did you take photographs of bedroom two?

2 A Yes.

3 Q Okay. Can you describe that bedroom for the
4 jury?

5 A Bedroom two is a, I think, a queen-size bed.
6 Located at the headboard, or the head of the bed was
7 along the west wall. And it's foot along the east
8 wall was a dresser. I believe maybe a TV was on top.
9 I'm not really sure. I don't recall at this time.
10 The TV was on top of it -- it may have been. The
11 closet was located over -- I forgot to write closet,
12 but it was right here. There was a closet to that
13 bedroom.

14 Q Okay. Let me back up a little bit. The
15 first bedroom, the bedroom where you found Joyce
16 Owens' body, was there a TV in there?

17 A I believe so. I'd have to refer to the
18 photographs to be very clear.

19 Q Okay. State's Exhibit No. 19.

20 A There's one in the southeast corner.

21 Q And that TV was on when you got there,
22 wasn't it?

23 A I don't recall, I don't recall.

24 Q Okay. If you were to look at the scene
25 video again, could you tell whether or not it was on?

1 A Yes.

2 Q Let me show you what I marked for
3 identification purposes as State's Exhibit 38 through
4 43. I'd like you to take a look as those and tell me
5 if you recognize those?

6 A (Witness complies.) Yes.

7 Q Do State's Exhibits 38 through 43 fairly and
8 accurately depict what you've described as bedroom
9 two in the home that night?

10 A Yes, it does.

11 MS. DAVIDSON: Your Honor, at this time
12 I would offer 38 through 42 -- excuse me, 43 into
13 evidence, and tender to counsel for her inspection.

14 THE COURT: All right.

15 MS. SWALLERS: No objection, Your
16 Honor.

17 THE COURT: All right. State's 38, 39,
18 40, 41, 42 and 43 are admitted.

19 (State's Exhibit Nos. 38, 39, 40, 41,
20 42 and 43 were admitted.)

21 Q (BY MS. DAVIDSON) All right. State's
22 Exhibit 38, tell the jury what they're seeing?

23 A You're observing the -- the bed that was
24 located in bedroom number two.

25 Q And this drawer was open like that?

1 A Yes, ma'am. The drawer was open. The
2 bottom was closed.

3 Q Did it look like the drawer had been
4 rummaged through to you?

5 A No. The feeling -- one of the feelings and
6 thoughts of the entire house was that it was more or
7 less staged. It was not -- what you would -- I've --
8 I've had enough experience with home invasions, maybe
9 doing searches myself from narcotics all the way --

10 MS. SWALLERS: Judge, I'm going to
11 object to the narrative nature of his response.

12 THE COURT: Sustained.

13 Q (BY MS. DAVIDSON) What was it that you
14 observed in the room itself, that led you to believe,
15 based on your training and experience, it was staged.

16 A It was like organized chaos. It was --
17 things were not -- if you -- you were going through a
18 house looking for something, to find something or
19 search for something, and you were in a frenzy which
20 the --

21 MS. SWALLERS: Judge, I'm going to
22 object again to the narrative nature of this
23 response.

24 THE COURT: All right. That's
25 sustained. Just -- if you can, just answer questions

1 directly as you can.

2 Q (BY MS. DAVIDSON) If somebody were in a
3 frenzy, what would you expect to see?

4 A I would expect to see drawers pulled out,
5 turned over. Much more chaos. Clothing thrown all
6 over the place, beds turned over, furniture turned
7 over, things of that nature.

8 Q And did you see that that night when you
9 were there at the home?

10 A No.

11 Q State's Exhibit No. 39.

12 A We have the dresser with the drawers pulled
13 out, the television on top.

14 Q And do you recall whether or not that
15 television was on?

16 A I believe it was.

17 Q Was -- do you recall anything about the TVs
18 being on and the volume of the sound of the TVs?

19 A I believe the reason why we turned the TVs
20 off was -- is that abnormal volume or sound, I
21 believe. I'm not real sure. But the -- I believe
22 the TVs were finally just turned off.

23 Q Okay. State's Exhibit No. 40.

24 A Once again, you have a nightstand along the
25 north side of that bed in bedroom number two. A top

1 drawer pulled -- pulled open.

2 Q State's Exhibit No. 41.

3 A From the threshold of the doorway into
4 bedroom number two, this photo was taken.

5 Q State's Exhibit No. 42.

6 A Again, you have a -- a line of clothing
7 along the foot of the bed in bedroom number two.

8 Q And that line of clothing, did anything jump
9 out at you when you saw that line of clothing?

10 A That it was in a line, as if it had been
11 placed in a line.

12 Q State's Exhibit No. 43.

13 A The closet did have clothing at the bottom.
14 It was messy at the bottom. But nothing at the top
15 seemed to be very much disturbed. All the clothes
16 seemed to be on hangers and well-kept.

17 Q Let's go back to State's Exhibit No. 5.
18 There is a bathroom right there (indicating). Did
19 you take photographs of that bathroom?

20 A Yes.

21 Q I'm going to show you what's been marked for
22 identification purposes as State's Exhibits 44
23 through 51. I'd like you to take a look at those
24 photographs and tell me if you recognize those.

25 A (Witness complies.) Yes.

1 Q Do State's Exhibits No. 44 through 51 fairly
2 and accurately depict the way you observed that
3 bathroom to be on that night?

4 A Yes, I do.

5 MS. DAVIDSON: Okay. Your Honor, at
6 that time, I'm going to offer into evidence 44
7 through 51, and tender to counsel for her inspection?

8 THE COURT: All right.

9 MS. SWALLERS: No objection, Your
10 Honor.

11 THE COURT: All right. State's 44
12 through 51 are admitted.

13 (State's Exhibit Nos. 44 through 51
14 were admitted.)

15 Q (BY MS. DAVIDSON) What does the jury see in
16 State's Exhibit No. 44?

17 A This was in the hamper. It was a towel in
18 the hamper.

19 Q Anything significant about that towel?

20 A I believe it possibly had some stains on it.

21 Q State's Exhibit No. 45.

22 A It's a photo of the tub. What I think I
23 remember about the tub is that the bottom of the tub
24 was wet, but the walls and the fixtures were not.
25 And it just struck me funny.

1 Q What about that struck you as odd or
2 unusual?

3 A Just I -- I don't -- I -- usually --

4 MS. SWALLERS: Judge, I would object
5 here. This calls for speculation.

6 THE COURT: Well, he may testify if he
7 knows what struck him as odd or unusual. It's
8 overruled.

9 Q (BY MS. DAVIDSON) Based on your training and
10 experience.

11 A If someone runs -- takes a shower or
12 something, the walls would be wet, the fixtures would
13 be wet. You get -- just -- just for the bottom of
14 the tub to be wet and nothing else to be wet just
15 struck me funny.

16 Q And State's Exhibit No. 46, is that just
17 another --

18 A Overall shot.

19 Q -- overall shot?

20 What does the jury see in State's
21 Exhibit No. 47?

22 A You have an overall shot of the bathroom,
23 and I believe in the center of the floor you have a
24 couple of red stains.

25 Q Can you show them on the monitor?

1 A (Indicating).

2 Q And on State's Exhibit No. 48, is this just
3 a different picture of those overall red stains that
4 were on the floor?

5 A Yes.

6 Q What is State's 49?

7 A An overall shot of the bathroom.

8 Q And State's 50?

9 A An overall shot of just the toilet in the
10 corner.

11 Q Okay. And 51, that's the toilet right
12 there. Is this the entrance into the bathroom?

13 A Correct. This is taken from the hallway.
14 You can see the threshold of the doorway into the
15 bathroom.

16 Q Okay. This is the master bedroom, correct?
17 When we talked about the closet?

18 A Correct.

19 Q And did you photograph that, as well?

20 A Yes.

21 Q I'm going to show you what's been marked as
22 State's Exhibits 52 through 64. I'd like you to take
23 a look at those and tell me if you recognize those?

24 A (Witness complies.)

25 Q Do State's Exhibits 52 through 64 fairly and

1 accurately depict the master bedroom and bathroom as
2 you saw it on that night?

3 A Yes.

4 MS. DAVIDSON: Your Honor, at this time
5 I'd offer into evidence 52 through 64, and tender to
6 counsel for her inspection?

7 THE COURT: All right.

8 MS. SWALLERS: No objection, Your
9 Honor.

10 THE COURT: All right. State's 52
11 through 64 are admitted.

12 (State's Exhibit Nos. 52 through 64
13 were admitted.)

14 Q (BY MS. DAVIDSON) State's Exhibit No. 52, can
15 you explain to the jury what they're seeing in that
16 photograph?

17 A This is a shot down the hallway. You're in
18 the hallway -- the L-shaped hallway that goes through
19 the house, and you're looking at it from west to
20 east.

21 Q This door right here --

22 A That --

23 Q Would that be the door to the bathroom that
24 we just showed the pictures of?

25 A Yes.

1 Q Okay. And then you go into the master
2 bedroom?

3 A Correct.

4 Q A door to the bathroom and then you go
5 directly into the master bedroom?

6 A Correct.

7 Q State's Exhibit No. 53.

8 A This should be the southeast corner shot of
9 the master bedroom -- bath -- master bedroom. You
10 have the dresser and the nightstand along the south
11 side of the bed.

12 Q And these drawers were open like that that
13 you're showing in this picture?

14 A Yes.

15 Q State's Exhibit No. 54?

16 A You have the -- the bed that is along the
17 east wall. And you have the purse and various
18 miscellaneous items on top of the bed.

19 Q And these drawers were closed just like they
20 are now?

21 A Yes, they are.

22 Q State's Exhibit No. 55?

23 A Looking into the northeast corner of the
24 bedroom. You have the nightstand on the north side
25 of the bed, pillows stacked on the chair in the

1 corner, an artificial tree and -- and another chair.

2 Q State's Exhibit No. 56?

3 A From the threshold of the doorway of the
4 bedroom, you're getting an overall shot of the
5 bedroom.

6 Q State's Exhibit No. 57?

7 A The television is located into the northwest
8 corner. And then you have a closet that is along the
9 west wall.

10 Q This closet, which one of the closets is it
11 on this diagram?

12 A That would be this closet here
13 (indicating).

14 Q Okay. And so that's different from these
15 other photographs of the closet, correct?

16 A Correct.

17 Q So there are two closets in the master
18 bedroom?

19 A Correct.

20 Q State's Exhibit No. 58?

21 A Again, from another angle, you're looking
22 into the southeast corner of the bedroom where the
23 dresser was located.

24 Q State's Exhibit No. 59?

25 A This is along the north side of the bed, the

1 nightstand, along the east wall.

2 Q State's Exhibit No. 60?

3 A You have the closet that's along the west
4 wall, and basically you have an overall shot of that
5 closet.

6 Q And again, that's this closet, correct
7 (indicating)?

8 A Yes, ma'am.

9 Q State's Exhibit 61.

10 A You have a shot of the bottom of that closet
11 that was along the east wall. No, I'm sorry, that's
12 along the west wall -- that's the west wall.

13 Q The closet I just pointed out on the
14 diagram?

15 A Correct.

16 Q What are they seeing in 62?

17 A You're looking at an overall picture from --
18 looking from north to south of the bedroom, and it's
19 an overall shot.

20 Q And back here, is that the bathroom of the
21 master bedroom?

22 A Correct.

23 Q And that would be over here (indicating) in
24 the scene diagram, correct?

25 A Correct.

1 Q State's Exhibit 63.

2 A Master bath -- overall shot.

3 Q And then 64 is in the bathroom coming out in
4 the bedroom, correct?

5 A Correct. You're looking south to north.

6 Q Now, the pictures I introduced earlier that
7 we haven't shown were from a closet here, correct?

8 A Correct.

9 Q Show the jury what they're seeing in State's
10 Exhibit No. 34?

11 A You're looking into one of the closets of
12 the -- the master bedroom. That's along the -- it
13 should be -- well, the bedroom is going to be in the
14 southwest corner.

15 Q The smaller bedroom? The smaller closet?

16 A The smaller closet. Smaller closet.

17 Q And what was the purpose of taking the
18 pictures inside the closet?

19 A It -- it was too orderly for there to have
20 been so much chaos in the rest of the house. For
21 this to be very neat still, orderly, not looked
22 through at all.

23 Q Tell the jury what they are seeing in
24 State's Exhibit No. 36?

25 A What you're looking at is the bottom of that

1 closet. And the reason why this photo is -- is so
2 interesting is that you have two safes -- hand safes
3 right here (indicating) stacked on top of each other.
4 They're not moved or opened, or attempted to be
5 opened or taken.

6 Q And is State's Exhibit No. 37? Just a
7 close-up of those two safes that you photographed in
8 36?

9 A Yes. A close-up.

10 Q And from what you could see, neither one
11 were opened or moved or anything?

12 A Not disturbed at all.

13 Q Okay. What was this where it says, "Family
14 room," on your scene diagram?

15 A It was a multipurpose room, family room. It
16 had a television. It had a computer laptop in it.
17 It was really a nondescript type room in the house,
18 toward the front.

19 Q I'm going to show you what I've marked as
20 State's Exhibits 65 through 67. I want you to take a
21 look at those and tell me if you recognize those?

22 A (Witness complies.) Yes.

23 Q Do 65 through 67 fairly and accurately
24 depict the way you observed the family room in that
25 home on that night?

1 A Yes.

2 MS. DAVIDSON: Your Honor, at this time
3 I'd offer into evidence 65 through 67, and tender to
4 counsel for her inspection.

5 THE COURT: All right.

6 MS. SWALLERS: No objection, Your
7 Honor.

8 THE COURT: All right. State's 65, 66,
9 67 are admitted.

10 (State's Exhibit Nos. 65, 66, 67, were
11 admitted.)

12 Q (BY MS. DAVIDSON) State's Exhibit No. 65,
13 what does the jury see in there?

14 A This would be the southwest corner of the
15 family room. There's a laptop. There's a printer
16 right on top of the desk. Miscellaneous papers. It
17 looked undisturbed or looked over -- it looked just
18 natural.

19 Q State's Exhibit No. 66.

20 A This is in the family room again. This is
21 going to be along the east wall. You have the
22 television set, and with a satellite -- some type of
23 satellite or Direct TV, or cable television type box
24 sitting on top of it.

25 Q And do you recall whether that TV was on?

1 A I want to say it was, but I can't be for
2 sure.

3 Q What is the jury seeing in 67?

4 A Basically you have an overall shot of that
5 room. A couch for sitting, laptop computer, printer,
6 television set.

7 Q Did this room, the family room, appear to be
8 disturbed at all?

9 A No.

10 Q And if I put back State's Exhibit 5, would
11 that shot of State's Exhibit 67, be coming from this
12 doorway into the room right here?

13 A Correct.

14 Q With the computer and the chairs, the couch
15 and other stuff?

16 A Correct.

17 Q Let's move into the living room. Can you
18 kind of describe the living room for the jury?

19 A Living room. There was -- it was furnished.
20 There was a couch along this wall here (indicating).
21 There was a fireplace here (indicating). There was a
22 little table with a little stereo that was along this
23 wall right there (indicating). There was a couch and
24 dining room table.

25 Q I'm going to show you what I marked for

1 identification purposes as State's Exhibits 68
2 through 72. I'd like you to take a look at those and
3 tell me if you recognize those?

4 A (Witness complies.) Yes.

5 Q Do 68 through 72 fairly and accurately
6 depict how -- what you observed when you got into the
7 living room that night?

8 A Yes.

9 MS. DAVIDSON: Your Honor, at this time
10 I'm going to offer into evidence 68 through 72, and
11 tender them to counsel for her inspection.

12 MS. SWALLERS: No objection, Your
13 Honor.

14 THE COURT: State's 68 through 72 are
15 admitted.

16 (State's Exhibit Nos. 68 through 72
17 were admitted.)

18 Q (BY MS. DAVIDSON) Tell the jury what they see
19 in State's Exhibit No. 68?

20 A You have an overall view of the living room,
21 a partial of the family room, and a picture of the
22 front door.

23 Q Okay. And from here -- the front door is
24 here, correct?

25 A Correct, correct.

1 Q And when you say, "Shooting in," you can see
2 the couch a little bit from the family room in this
3 picture, correct?

4 A Correct.

5 Q On the front door, you have the locks --
6 have any locks on the front door?

7 A Yes. There was no signs of forced entry.
8 The family was intact and locks were intact.

9 Q State's Exhibit No. 69.

10 A Here you have an overall view of the living
11 room. Couch is intact. Nothing's disturbed.
12 Nothing's turned over. It's all neat and tidy.

13 Q State's Exhibit No. 70.

14 A This is where the fireplace would be located
15 (indicating), which is along the south wall of the
16 living room table. You have a stereo sitting right
17 on top. The fireplace right next to it. Picture
18 frames, everything sitting right up on the mantel.
19 Nothing disturbed.

20 Q State's Exhibit No. 71.

21 A Here you have from the living room looking
22 back toward that hallway, and then to the left side
23 of the screen, you have the partial of the kitchen.
24 You have a couch that's sitting there (indicating.)
25 The only pillow that was off on the floor, was the

1 one that you can see there; otherwise, the couch was
2 not disturbed.

3 Q State's Exhibit No. 72.

4 A You have the dining room table that's
5 located in the north -- northeast corner of the
6 living room. Plates were set on it. Flower in the
7 center. Candelabras on the table. Chairs pushed
8 under undisturbed.

9 Q And that would be right here (indicating),
10 in State's Exhibit No. 5, correct?

11 A Correct.

12 Q So, then you got to the kitchen at some
13 point, correct?

14 A Correct.

15 Q Could you describe the kitchen for the jury?

16 A The kitchen is a rectangular shaped room,
17 with a counter that ran along the north, west and
18 south sides of the kitchen. And the food preparation
19 area served the -- the room served two purposes, food
20 preparation and also as a dining area, which I
21 described as a breakfast nook.

22 There was -- happened to be an ironing
23 board set up at the time in the -- over in the
24 breakfast nook area or the dining area. And then
25 there were the usual amenities, refrigerator, stove,

1 things of that nature.

2 Q I'm going to show you what I marked for
3 identification purposes as State's Exhibit 74 through
4 86. I'd like you to take a look at those and tell me
5 if you recognize those.

6 A (Witness complies.)

7 Q Do these photographs fairly and accurately
8 depict some of what you observed through the kitchen
9 and the living room leading into the kitchen?

10 A Yes.

11 MS. DAVIDSON: Your Honor, at this time
12 I'd offer into evidence 74 through 86, and tender
13 them to counsel for her inspection.

14 MS. SWALLERS: No objection, Your
15 Honor.

16 THE COURT: 74 through 86 are admitted.
17 (State's Exhibit Nos. 74 through 86
18 were admitted.)

19 Q (BY MS. DAVIDSON) I have added back into this
20 group of photos a couple of pictures that have
21 already been introduced. So, we can talk about them
22 in turn. Just so the jury knows. Right now we're
23 getting from here to the kitchen, correct?

24 A Correct.

25 Q Tell the jury what's depicted in State's

1 Exhibit No. 73.

2 A This was the couch that's toward the -- it's
3 going to be the southeast corner of the living room.
4 That had the one pillow off and the other pillows --
5 pillows were intact on the couch.

6 And you also can see a threshold or a
7 view into the kitchen area.

8 Q State's Exhibit No. 74.

9 A This is that same pillow that was flipped
10 over. We turned it over and it had blood stains on
11 the back side of it.

12 Q What is this right here (indicating)?

13 A This was a footprint. It wasn't very
14 distinguishable but we did photograph it. I believe
15 we cut it out of the carpet for evidence. But it was
16 a footprint that led from the kitchen out into the
17 living room.

18 THE COURT: Excuse me, counsel.

19 MS. DAVIDSON: Yes, sir.

20 THE COURT: That's 74.

21 MS. DAVIDSON: Yes.

22 THE COURT: We're going to take a break
23 now. Mark your spots.

24 MS. DAVIDSON: Okay.

25 THE COURT: And we're going to take a

1 break until 12:00 o'clock to take care of other court
2 business. Normally your break would be 15 minutes,
3 but we need to take care of other court business.
4 We'll resume at 12:00. From 12:00 to 1:00 and 1:00
5 to lunch, okay?

6 THE BAILIFF: All rise. Come this way.

7 THE COURT: Remember the instructions I
8 gave you. Do not discuss the case at all. Do not
9 read any newspaper -- any newspapers concerning this
10 case or any -- look at any TV or radio, or listen to
11 any TV or radio presentations.

12 (Jury exits courtroom.)

13 (Recess taken.)

14 THE COURT: Both sides ready?

15 MS. DAVIDSON: We're ready.

16 MS. SWALLERS: We are ready.

17 THE COURT: All right. Bring in the
18 jury, please.

19 (Jury Panel enters courtroom.)

20 (Open court; defendant and jury panel
21 present.)

22 THE BAILIFF: All rise.

23 THE COURT: Be seated, please.

24 Ms. Davidson, you may proceed.

25 MS. DAVIDSON: Thank you, Judge.

1 Q (BY MS. DAVIDSON) All right. Deputy Sams, I
2 think we were on State Exhibit No. 75. Can you tell
3 the jury what they're seeing in that photograph?

4 A It's a photograph of a footprint with a
5 scale.

6 Q State's 76, another picture of the
7 footprint?

8 A Yes.

9 Q What's depicted in State's 77?

10 A We have an overall photograph of the -- it's
11 going to be the northwest corner of the kitchen,
12 countertop and cabinets.

13 Q State's Exhibit No. 78.

14 A We have an overall shot of the -- again of
15 the countertop in the kitchen. And the main focus
16 here is the butcher block that we believe the
17 knife -- one of the knives was removed from -- taken
18 from.

19 Q State's Exhibit No. 79. Is that a
20 photograph of the butcher block?

21 A Yes.

22 Q And this is the area where you said a knife
23 was missing from?

24 A Correct.

25 Q State Exhibit No. 80, just another

1 photograph of the butcher block?

2 A Correct.

3 Q That's where the knife was missing from?

4 A Yes.

5 Q So, just to get our bearings in the scene
6 diagram. Would that be over here in this area where
7 the butcher block was (indicating)?

8 A Correct.

9 Q State's Exhibit No. 81.

10 A We have an -- from the threshold of the
11 kitchen door coming from the living room. We have an
12 overall photograph of the kitchen.

13 Q And this door back here leads to the
14 backyard?

15 A Leads to the backyard, and it had no signs
16 of forced entry and the frame --

17 Q And what do you mean by that?

18 A The frame was intact and the locks were
19 intact.

20 Q And when you photographed it the door's
21 closed. Is that how you found it when you got there?

22 A Yes.

23 Q State's Exhibit No. 82.

24 A We have the photograph of the body of
25 Alberta Walker. And the entry into the kitchen.

1 Q State's Exhibit No. 83.

2 A From the east wall in the location of the
3 backdoor that leads to the outside. You have an
4 overall photograph of the kitchen.

5 Q And back here, that's the fireplace that's
6 in the living room (indicating)?

7 A Correct.

8 Q And that's the couch that you would see
9 coming into the kitchen; is that correct?

10 A Yes, ma'am.

11 Q State's Exhibit No. 84?

12 A Another overall photograph of the kitchen,
13 the counter, refrigerator, amenities. But it's an
14 overall photograph.

15 Q State's Exhibit No. 85?

16 A Again, we have a photograph of the kitchen.
17 This was an ironing board that was in the kitchen.
18 This was along the south wall of the kitchen. The
19 backdoor would be just to the left of the ironing
20 board.

21 Q State's Exhibit No. 86.

22 A This was a table that was in the breakfast
23 nook area. And at the end of it there was a Singer
24 sewing machine.

25 Q And it had the pins and the scissors right

1 there?

2 A Yes, ma'am.

3 Q Did it look like any of that had been
4 disturbed at all?

5 A No, ma'am. The cabinets were all closed.
6 Nothing was taken out of the cabinets in the kitchen.
7 Nothing was disturbed or out of place -- out of
8 place.

9 Q Okay. And you photographed the body of
10 Alberta Walker, did you not?

11 A Yes.

12 Q I'm going to show you what I marked for
13 identification purposes as State's No. 87 through 93.
14 I'd like you to take a look at those and tell me if
15 you recognize those.

16 A (Witness complies.) Yes, ma'am.

17 Q Do these photographs fairly and accurately
18 depict the way you found Ms. Walker laying on the
19 floor in the kitchen that night?

20 A Yes, ma'am.

21 MS. DAVIDSON: Your Honor, at this time
22 I'm going to offer into evidence State's Exhibits
23 No. 87 through 93, and tender them to counsel for her
24 inspection.

25 THE COURT: Okay.

1 MS. SWALLERS: No objection, Your
2 Honor.

3 THE COURT: All right. State's 87
4 through 93 are admitted.

5 (State's Exhibit Nos. 87 through 93
6 were admitted.)

7 Q (BY MS. DAVIDSON) What is the jury seeing in
8 State's Exhibit No. 87?

9 A We have a body shot of Alberta Walker lying
10 on the floor on her back. She's in the threshold
11 of -- between the living room and the kitchen.

12 Q State's Exhibit No. 88.

13 A We have a close-up of Alberta Walker at the
14 threshold of the living room and the kitchen.

15 Q What is the jury seeing in State's Exhibit
16 No. 89?

17 A You have -- you're showing one of her
18 wounds. It could have been a defensive wound. It is
19 in her forearm, which can be used as possibly
20 defending herself. But it's -- it's severely deep.

21 Q And that -- that would be that wound we're
22 looking at there (indicating).

23 A Yes, ma'am.

24 Q State's Exhibit No. 90.

25 A Here you have a -- another wound into her

1 neck area.

2 Q Right there (indicating)?

3 A Yes, ma'am.

4 Q State's Exhibit No. 91.

5 A Here you have several wounds on her arms,
6 possibly defensive wounds again on the forearm and
7 her bicep/tricep area.

8 Q State's Exhibit No. 92.

9 A Here you have a wound to her -- I believe
10 that was her right side. It -- as you can see, it's
11 through her blouse and into her side.

12 Q What is this (indicating)?

13 A These are bags that are placed on her -- her
14 hands. Usually the ME will do that.

15 Q What is the purpose of that?

16 A It's to preserve any -- if she scratched or
17 caused any wounds to the person that's attacking her.
18 It's to preserve the scrapings possibly underneath
19 her fingernails.

20 Q Did you also go out in the backyard?

21 A Yes.

22 Q And did you photograph the backyard of the
23 home, sir?

24 A Yes.

25 Q I'm going to show you what I've marked for

1 identification purposes as State's Exhibit 94 through
2 99. I'd like you to take a look at those and tell me
3 if you recognize those?

4 A (Witness complies.) Yes.

5 Q Do these photographs fairly and accurately
6 depict the way the backyard looked on the night you
7 found the body?

8 A Yes.

9 MS. DAVIDSON: Your Honor, at this time
10 I'm going to offer into evidence 94 through 99, and
11 tender them to Counsel for her inspection.

12 THE COURT: All right.

13 MS. SWALLERS: No objection, Your
14 Honor.

15 THE COURT: All right. State's 94
16 through 99 are admitted.

17 (State's Exhibit Nos. 94 through 99
18 were admitted.)

19 Q (BY MS. DAVIDSON) I want to go back to
20 State's Exhibit No. 82 for a second. This door back
21 there (indicating). When you observed the scene and
22 were processing the scene, did you find any blood or
23 anything on the door itself?

24 A No.

25 Q What about in the floor in front of the

1 door?

2 A No.

3 Q State's Exhibit No. 94, can you tell the
4 jury what that is?

5 A From the exterior of the -- of the yard --
6 backyard -- it's the backdoor.

7 Q Okay. Any blood or anything on that door?

8 A No.

9 Q What is in State's Exhibit No. 95?

10 A It's a photograph of the patio that's
11 adjacent to the backdoor.

12 Q And is that the door that was in the
13 previous photo?

14 A Yes, it is.

15 Q And all the plants were just like they are
16 now?

17 A Yes, they are.

18 Q State's Exhibit No. 96.

19 A It's another photograph of the patio
20 adjacent to the backdoor and the plants and the
21 furniture on it.

22 Q Did you find any bloody footprints or any
23 blood at all on the back patio door -- or the back
24 door?

25 A No, no.

1 Q State's Exhibit No. 97.

2 A Again, an overall shot of the furniture, the
3 patio furniture on the patio adjacent to the
4 backdoor.

5 Q State's Exhibit No. 98.

6 A It's an overall shot of the north side of
7 the backyard. No planks are knocked out. No wood
8 has been torn down such as somebody climbing over it
9 or knocking through it or disrupting it.

10 Q State's Exhibit No. 99.

11 A This is going to be the south side of the
12 backyard. Same thing. No planks are knocked down.
13 No wood is destroyed or disturbed.

14 Q Do you find anything in the backyard that
15 led you to believe there was any kind of disturbance
16 or anything in the backyard?

17 A No.

18 Q Okay. After you photographed the scene
19 itself, did you begin to collect some evidence?

20 A Yes.

21 Q Okay. Did you collect the knives that you
22 found in the bedroom with Joyce Owens' body?

23 A Yes.

24 Q I'm going to show you what I've marked as
25 State's Exhibits 100 through 103. I'd like you to

1 take a look and those and tell me if you recognize
2 these?

3 A (Witness complies.) Yes.

4 Q Do these photographs fairly and accurately
5 depict the knives that you recovered at the scene
6 that night?

7 A Yes.

8 MS. DAVIDSON: Your Honor, at this time
9 I'm going to offer into evidence 100 to 103, and
10 tender them to counsel for her inspection.

11 MS. SWALLERS: No objection, Your
12 Honor.

13 THE COURT: All right. State's 100
14 through 103 are admitted.

15 (State's Exhibit Nos. 100 through 103
16 were admitted.)

17 Q (BY MS. DAVIDSON) What is the jury seeing in
18 State's Exhibit 100?

19 A It is the wooden handled knife obtained from
20 bedroom number one, where Joyce Owens was located.

21 Q Was this the knife that was found laying on
22 her?

23 A Yes. This was the knife located along her
24 right hip.

25 Q State's Exhibit No. 101.

1 A This is a photograph of the knife -- the
2 broken knife. What I've done is I've basically just
3 laid it back into its original state and photographed
4 it at length. But it's the broken knife that was
5 along -- on the floor along the north side of the
6 bed.

7 Q And State's Exhibit No. 103 --

8 A And this --

9 Q -- would be the way you actually found it in
10 broke form?

11 A Correct. This is that knife in -- in its
12 broken state.

13 Q And what is the jury seeing in State's
14 Exhibit No. 102?

15 A It's a close-up of that blade with the --
16 the blood on it. And I believe I've -- it's -- it's
17 also been laid together and it shows the length of
18 it.

19 Q Deputy Sams, I'm going to show you what I've
20 marked for identification purposes as State's Exhibit
21 No. 137. I want you to take a look at that and tell
22 me if you recognize that?

23 A Yes.

24 Q And what is State's Exhibit No. 137?

25 A It's the broken knife that I recovered from

1 the scene.

2 Q And how do you know that it's the same
3 broken knife that you recovered from the scene?

4 A From its appearance and from my initials
5 that are along the seal.

6 Q So, when you recover evidence from a scene
7 such as this, you seal it and put your initials on
8 it?

9 A Once, I've finished examining it, and any
10 type of testing or anything, swabbing it, or
11 everything I need to do to it, I then package it and
12 I'll seal it and initial it.

13 Q Okay. State's Exhibit No. 138.

14 A Again, the knife we recovered from the scene
15 in Joyce Owens' bedroom.

16 Q From the same you recovered these two items,
17 until the time you -- you submitted them -- well,
18 first of all, where do you take them?

19 A They're placed into a secured locker area at
20 the crime scene unit. Then a deputy that transports
21 evidence -- evidence transport deputy, will take
22 these items to the property room. Or if they have to
23 go through the ME's office for any type of testing --
24 additional testing, then they will be taken there.

25 Q Did you swab these two items when you

1 recovered them?

2 A Yes.

3 Q Okay. And what was your purpose of swabbing
4 them?

5 A To check for whose blood may be on them and
6 possibly also any DNA that would be on the handle.

7 Q Okay. And can you explain to the jury what
8 you do when you're swabbing a piece of evidence.

9 A First of all, I glove up so my hands don't
10 have any contact with the item. Then I take a
11 sterile swab. It's usually about -- it's a 1-inch
12 swab -- type swab. Kind of like a Q-tip. It's very
13 long. And it's on a wooden stick. It only has
14 cotton on one end and it's sterile. They're
15 individually packaged, two to a package.

16 I will usually break that open, holding
17 on the stick end with the swab out. I will then
18 place on it sterilized water. Now, what the water
19 does is basically -- say, in this case we have dried
20 blood. Well, to get dried blood onto a dry swab is
21 very difficult. It's virtually impossible.

22 So, what the water does -- the sterile
23 water, it allows it to absorb any DNA or blood or
24 anything that I'm trying to take off of an item and
25 put onto the Q-tip, and it will hold it there or

1 adhere to it. Then I place that Q-tip into a sterile
2 box that's -- I've already marked with any type of
3 lettering or identification and/or numbers, and place
4 that into a sterile box that will then be sent to the
5 ME's office.

6 MS. DAVIDSON: At this time, Judge, I'd
7 like to offer into evidence the contents of State's
8 Exhibit No. 137 and 138?

9 THE COURT: All right.

10 MS. SWALLERS: No objection, Your
11 Honor.

12 THE COURT: All right. Contents of 137
13 and 138 are admitted.

14 (State's Exhibit Nos. 137 and 138 were
15 admitted.)

16 Q (By MS. DAVIDSON) I'm going to show you what
17 I've marked for identification purposes as State's
18 132. I'm going to leave it in the packaging for the
19 moment, so you can look at it? Can you tell me if
20 you recognize State's Exhibit No. 132?

21 A Yes.

22 Q Did you recover State's Exhibit No. 132 from
23 the scene?

24 A Yes, I did.

25 Q And what is it?

1 A It is the butcher block that had the knives
2 in -- contained in it.

3 Q In the kitchen?

4 A In the kitchen.

5 Q Okay. How do you know this is the same
6 butcher block?

7 A From observing what it looks like, and also
8 from my initials that are on the bag.

9 Q Okay. Did you swab this (indicating)?

10 A No, I didn't swab -- swab this, I don't
11 believe.

12 Q Okay.

13 A I got it -- the reason why I collected it
14 was, it was believed that the knife that was broken
15 was recovered from this particular butcher block.

16 Q And 132, other than all the tape that's on
17 the knives to keep it there, was -- this was the
18 condition it was in when you found it at the scene?

19 A Correct.

20 MS. DAVIDSON: Your Honor, at this time
21 I'm going to offer into evidence State's Exhibit
22 No. 132 and tender to counsel.

23 THE COURT: All right.

24 MS. SWALLERS: No objection, Your
25 Honor.

1 THE COURT: State's 132 is admitted.

2 (State's Exhibit No. 132 was admitted.)

3 Q (By MS. DAVIDSON) Do you recall what all you
4 swabbed while you were at the scene that day?

5 A I'd have to refer back to my report. But...

6 Q Let me show you what I've marked as State's
7 Exhibit No. 136. I want you to look at 136. Do you
8 need some gloves?

9 A No. These are all sealed. These are
10 basically the -- the envelopes that I would swab
11 different areas or items. I also placed them into an
12 envelope, sealed that individual envelope, and it was
13 placed into a bag with all the other -- this way it
14 doesn't cross contaminate.

15 Q Okay. Let's -- let's go through the
16 contents.

17 A Okay.

18 Q Don't open them up. Just tell me what's --
19 what is swabbed there?

20 A Well, here I have the wall above the
21 headboard in bedroom one, which would probably
22 contain the blood spatter from the incident.

23 Here you have bathroom sink. I was
24 testing that to see if there was any blood or
25 anything that had been washed around the sink or down

1 the drain.

2 Here I have a DNA swab taken -- it's
3 probably a buccal swab of Mr. Owens from the scene.

4 Q What is a buccal swab?

5 A A buccal swab is basically just a swab taken
6 from the inside of your mouth. It's usually
7 submitted, so it's a known DNA swab that they can
8 make comparisons to. So that -- that's why we take a
9 swab -- a DNA swab from Mr. Owens.

10 This is from the kitchen pantry door,
11 possibly for any touch DNA. From the wall behind the
12 living room, and the love seat in the living room.
13 That's -- this was the -- the couch that was directly
14 adjacent to Alberta Walker's head. So, again from
15 headboard -- the first one's from the wall above the
16 headboard in bedroom one. This is from the headboard
17 of bedroom one.

18 The dust ruffle of the bed in bedroom
19 one.

20 Q And that would -- bedroom one would be where
21 Joyce Owens was?

22 A Joyce Owens, correct.

23 The kitchen floor in front of the
24 dishwasher. The kitchen counter next to the stove.
25 A magazine on the end table next to the bed in

1 bedroom one. Basically just trying to find -- think
2 of any places that somebody of -- where an assailant
3 may have touched. Carpet next to the bed in bedroom
4 number one. Blade of the wooden handled knife. A
5 purse in bedroom number one.

6 Q Why did you swab the purse?

7 A The wallet was turned over and -- but the
8 credit cards were still there. I'm not recalling any
9 money at this time in the purse. But the credit
10 cards were still in the purse, but I thought that
11 possibly it was touched. So, I swabbed the purse
12 itself for any touch DNA. Here's from the broken
13 bladed knife.

14 Q So, there were credit cards in the purse
15 that weren't taken?

16 A In the wallet. The wooden handle knife and
17 the broken handle of the knife. And a swab of the
18 purse in bedroom number three that was overturned.

19 Q And the reason you swabbed it?

20 A It was overturned and dumped out. So, I
21 figured it had been grabbed and touched. And the
22 wall next to the pantry door in the kitchen.

23 Q Obviously, there was a lot of blood at this
24 scene. How did you determine what to swab and what
25 not to swab?

1 A When I'm at a scene, I try to -- for lack
2 off a better word -- think -- think of where somebody
3 would touch. How would somebody be behaving,
4 reacting. Wherever they might touch. What is an
5 obvious place they might touch. And you know they
6 may have touched a door handle, but if we have a lot
7 of people going in and out of the house that day at
8 the scene, or the amount of people going in, then
9 there's no real need of doing that door knob, because
10 it's been handled. But I may do the wall -- you have
11 to think about -- when you're at a scene, how is
12 somebody going to react when you go out. When you go
13 out a door, do you always just grab that door handle.
14 No, you might have put your hand on the wall and
15 opened the door --

16 MS. SWALLERS: Judge, I'm going to
17 object to the narrative.

18 THE COURT: Sustained.

19 Q (BY MS. DAVIDSON) In your training and
20 experience, when you're doing, say, a door to search
21 for an exit, if you will.

22 A Uh-huh.

23 Q What all are you looking for?

24 A I'm looking for any place they may have
25 touched.

1 Q And when you were swabbing in this
2 particular case, is that what you were doing?

3 A Yes.

4 Q After you recovered all of these swabs, what
5 did you do with them?

6 A I then submit them to the Harris County
7 Medical Examiner's office.

8 Q And that would be for DNA testing?

9 A For DNA testing.

10 MS. DAVIDSON: Your Honor, at this
11 time, I'm going to offer into evidence the contents
12 of State's Exhibit No. 136.

13 MS. SWALLERS: No objection, Your
14 Honor.

15 THE COURT: Contents of State's 136 are
16 admitted.

17 (Contents of State's Exhibit No. 136
18 were admitted.)

19 Q (BY MS. DAVIDSON) I noticed too on the
20 photographs that you recovered from a couple of
21 cigarette butts.

22 A Yes.

23 Q Can you recall where those were when you
24 found them?

25 A I need to refer back to my -- I think one

1 was behind the loveseat, and they were both recovered
2 from the living room floor.

3 Q Okay. And what was your purpose for
4 recovering the cigarette butts?

5 A Cigarette butts usually contain DNA, because
6 they've been placed in somebody's mouth who smoked
7 them.

8 Q Let me show you what I've marked as State's
9 Exhibit No. 129. Would you take a look at that and
10 tell me if you recognize those -- the contents of
11 129. I'm sorry.

12 A Cigarette butt number one, and cigarette
13 butt number two. Okay. This must be what the
14 ME's -- I recognize this as the ME's -- what they may
15 have swabbed the butts with and that's how they did
16 their testing. But these two items are what I placed
17 in the brown bag.

18 Q And then they were also submitted for DNA
19 testing?

20 A Correct.

21 MS. DAVIDSON: Your Honor, at this time
22 I'm going to offer into evidence the contents of
23 State's Exhibit No. 129.

24 THE COURT: All right.

25 MS. SWALLERS: No objection, Your

1 Honor.

2 THE COURT: The contents of 129 are
3 admitted.

4 (State's Exhibit No. 129 is admitted.)

5 Q (BY MS. DAVIDSON) During the course of your
6 investigation, did you dust for fingerprints in the
7 home?

8 A Yes.

9 Q Were you able to find any identifiable
10 fingerprints?

11 A I recovered one print from the bathroom, off
12 of the smooth surface of the countertop by the sink.

13 Q You, as a CSU, do you have training in
14 collection of fingerprints?

15 A Yes.

16 Q When you get to a scene like this, can you
17 tell the jury what you do in order to try to collect
18 fingerprints?

19 A We'll try to find surfaces that are capable
20 of sustaining a fingerprint, that we would be able to
21 identify. Something smooth. Something that's very
22 rough such as -- or soft -- would be very difficult
23 to obtain a print from that you could really
24 identify. So, that really would be kind of a waste
25 of time and time is very valuable. So, usually we

1 try to stick to some smooth surfaces, and on the
2 countertop of the bathroom is where I found the
3 print.

4 Q Okay. Tell the jury what's the difference
5 between an identifiable print and a print that
6 doesn't have sufficient characteristics to be
7 identified?

8 A What we call print that can be
9 individualized. A print that you can individualize
10 will have characteristics such as bifurcations,
11 ending ridge points, islands. These are things that
12 we use to identify a print. It's the ridges of a
13 raised surface on your fingers.

14 A print -- you may leave a print and
15 some people will not leave a print. It depends if
16 they're secreters or not. And also it has -- also an
17 idea of the atmosphere that's around, the time of
18 year. In the winter people don't sweat as much, they
19 don't leave as many fingerprints.

20 Being a secreter, if you don't put out
21 a lot of oil and stuff on you fingers you won't leave
22 a lot of fingerprints. There's no way to tell the
23 age of a fingerprint. A fingerprint can be left and
24 it can last -- it all depends on the atmosphere and
25 the conditions that it is in.

1 But if it does not have -- getting back
2 to -- if it does not have things like ending ridges,
3 bifurcations, islands, things of that nature, it
4 doesn't give you much to work with. You can't
5 identify it or differentiate between one print and
6 another.

7 Q Okay. This one print that you found, is
8 that the only identifiable print you found at the
9 scene that day?

10 A Yes.

11 Q Okay. And where was it found?

12 A In the bathroom hallway -- hallway bathroom,
13 on the counter top.

14 Q Did you do anything with that print to try
15 to determine the identity of the person who left it
16 behind?

17 A Yes.

18 Q What did you do?

19 A Once it was recovered it was lifted with
20 fingerprint tape. It was dusted, lifted with
21 fingerprint tape, placed on a contrasting background
22 fingerprint card.

23 I then took it back to the lab, once my
24 investigation at the home was over. And I made a
25 comparison to Mr. Owens' ten-print card.

1 I made a comparison to the recovered
2 prints that the ME's office has from the decedents
3 and it did not match them. I then ran that print
4 through AFIS, which is an Automated Fingerprint
5 Identification System, and I -- I had no respondents
6 to it.

7 Q How do prints end up in your AFIS system?

8 A Over the years people have submitted prints.
9 So, we check prints and prints are taken in from
10 people that have been brought in for different
11 crimes. They are fingerprinted and those
12 fingerprints are then placed into the system.

13 Q So, the one print you found at that scene
14 did not match either Alberta Walker, Ms. Owens, or
15 the defendant, correct?

16 A Correct.

17 Q And then after putting it in the Harris
18 County AFIS system, you've got no matches?

19 A That is correct.

20 Q Did you that night while you were at the
21 scene recover the clothing that was worn by the
22 defendant?

23 A Yes, it was -- yes, it was.

24 Q (DA tenders gloves to the witness.)

25 First of all, I'm going to show you

1 some photographs. I show you what I've marked as
2 State's 124 through 126. I want you to take a look
3 at those and tell me if you recognize those.

4 A (Witness complies.) Yes.

5 Q Are -- do these photographs fairly and
6 accurately depict the defendant and the way he was
7 dressed at the home on that night?

8 A Yes.

9 MS. DAVIDSON: Your Honor, at this time
10 I'd like to offer into evidence State's Exhibits 124
11 through 126, and tender to Ms. Swallers for her
12 inspection.

13 THE COURT: All right.

14 MS. SWALLERS: No objection, Your
15 Honor.

16 THE COURT: State's 124 through 126 are
17 admitted.

18 (State's Exhibit Nos. 124 through 126
19 were admitted.)

20 Q (By MS. DAVIDSON) 124, what was he wearing?

21 A A white T-shirt.

22 Q Actually, it was more of a yellow color,
23 wasn't it? Did it say "Levi" on it? I mean, that's
24 not a real great picture.

25 A I'm sorry. I was just not -- there's a

1 yellow Levi shirt I recovered from him, yes.

2 Q I'm going to show you what I've marked as
3 State's Exhibit No. 134. And I'm interested in the
4 contents, 134.

5 A Yes.

6 Q And its contents.

7 Is this the shirt the defendant was
8 wearing on the night he was -- the night you
9 processed the home?

10 A Yes.

11 Q Okay. There's some circles on this shirt,
12 what does that mean, do you know?

13 A It was checked for possible stains. Sent
14 into -- it was checked for possible stains.

15 Q And what's the reason that y'all do that?

16 A To see if there's anything that -- that's of
17 evidentiary evidence on it. This is really to
18 ascertain if something's on there that we need to
19 know more about.

20 MS. DAVIDSON: Your Honor, at this
21 time, I'd like to offer into evidence the contents of
22 State's Exhibit No. 134.

23 (Attorneys confer.)

24 MS. SWALLERS: No objection, Your
25 Honor.

1 THE COURT: The contents of 134 is
2 admitted.

3 (State's Exhibit No. 134 was admitted.)

4 Q (By MS. DAVIDSON) I see here in State's No.
5 124 -- excuse me, 125, he's wearing blue jeans?

6 A Yes.

7 Q And those were recovered; were they not?

8 A Yes, they were.

9 Q I'm going to mark these two things
10 separately. Here's your bag. Can you tell the jury
11 what 130 is? Which is right here.

12 A These would be the blue jeans recovered from
13 Mr. Owens. I believe the ME's office marked these.

14 Well, sometimes since it was dark, it
15 was hard for me to really get a look at them. So,
16 I -- I submitted them. Everything was submitted to
17 the ME's office. And the ME's office has a much more
18 sensitive equipment and...

19 Q So these?

20 A Able to -- the circle -- here you have a
21 circle.

22 Q So this tag right here that says JO84686?

23 A Yeah, that would be --

24 Q That is the ME's office?

25 A That's the ME's office.

1 Q And so these circles that they put on it,
2 would be them at the ME's office as they're looking
3 for bodily fluids?

4 A Fluids, blood, anything that would stain the
5 pants that would be out of its normal condition. We
6 can circle things that we see that it's something
7 that we want them to test. But like with these blue
8 jeans, I just submitted the whole pair of blue jeans
9 and the ME's office take care of the rest of it.

10 Q What is State's 131?

11 A This is the -- the sweatpants that was also
12 collected from the defendant. And they were stained,
13 so I wanted these definitely checked.

14 Q Okay. Are these markings from you or are
15 these marks from the ME's office?

16 A I believe I just sent these in, because it
17 was so obvious what -- I put on the -- the request
18 form to have them tested to test the obvious spots.
19 The -- the dark spots that looked like blood.

20 THE COURT: But the question was: Did
21 you mark those, or did the ME's office mark those?

22 THE WITNESS: The ME's mark -- mostly
23 drew the circles. Yes, sir.

24 THE COURT: Thank you.

25 Q (By MS. DAVIDSON) So, you didn't draw these

1 circles?

2 A No, no.

3 MS. DAVIDSON: Judge, at that time I'd
4 like to offer into evidence State's Exhibits 130 and
5 131. I'd like to keep them in the packaging --

6 THE COURT: All right.

7 MS. DAVIDSON: -- for obvious reasons.

8 (Attorneys confer.)

9 MS. SWALLERS: No objection, Your
10 Honor.

11 THE COURT: State's 130 and 131 are
12 admitted and kept in their packages.

13 (State's Exhibit Nos. 130 and 131 were
14 admitted in their packages.)

15 Counsel for both sides, if you would
16 mark your spots. We're going to take a lunch break
17 at this time. We're going to resume at 2:15.

18 Members of the jury, remember the
19 instructions I gave you. Do not discuss the case at
20 all among yourself or with anyone else. Do not make
21 any independent investigations of whatever nature.

22 Do not read any newspapers during this
23 break or any breaks, or overnight breaks, concerning
24 any issue in the case, or concern in this case, if
25 any exists.

1 If you see something, turn the page,
2 don't read it. If you see something on TV or hear
3 something on the radio regarding this case, turn the
4 channel or turn it down or turn it off. Don't listen
5 to it. You're to base your verdict on the facts and
6 the law in this case and nothing else.

7 If you would, go with the bailiff.
8 We'll go to lunch and we'll resume at 2:15.

9 THE BAILIFF: All rise. Come this way.

10 THE COURT: Thank you.

11 (Jury exits courtroom.)

12 (Lunch recess.)

13 Be seated please.

14 THE COURT: Both sides ready?

15 MS. DAVIDSON: Yes, sir.

16 MS. SWALLERS: Yes, sir.

17 THE COURT: All right. Bring them in,
18 please.

19 (Jury Panel enters courtroom.)

20 (Open court; defendant and jury panel
21 present.)

22 THE BAILIFF: All rise.

23 THE COURT: Be seated, please.

24 Ms. Davidson, you may proceed.

25 MS. DAVIDSON: Thank you, Judge.

1 Q (BY MS. DAVIDSON) State's Exhibit No. 126,
2 could you tell the jury what that is?

3 Oh, is your monitor not working? Or
4 the monitor is not on next to him. Do you know how
5 to do that?

6 THE BAILIFF: Is it on over there now?

7 THE WITNESS: No, sir.

8 (Discussion off the record.),

9 THE COURT: I think we're fine.

10 Q (BY MS. DAVIDSON) Okay. What is this,
11 State's 126?

12 A These are the shoes defendant was wearing
13 the night --

14 Q Okay. I show you the contents of State's
15 Exhibit No. 135. Take a look in there?

16 A (Witness complies.) Yes, ma'am.

17 Q Okay. These were the shoes and socks that
18 you recovered from the defendant on the night of the
19 incident; is that correct?

20 A Yes.

21 MS. DAVIDSON: Your Honor, at this time
22 I'd like to offer into evidence the contents of
23 State's Exhibit No. 135 --

24 THE COURT: All right.

25 MS. DAVIDSON: -- and tender them to

1 Ms. Swallers for her inspection.

2 MS. SWALLERS: No objection, Your
3 Honor.

4 THE COURT: All right. The contents of
5 135 are admitted.

6 (Contents of State's Exhibit No. 135
7 were admitted.)

8 Q (By MS. DAVIDSON) There was also a white
9 T-shirt recovered from the defendant; was there not?

10 A Yes.

11 Q The contents of State's Exhibit No. 128. Is
12 this the white T-shirt that was recovered from the
13 defendant that night?

14 A Yes.

15 Q Okay. And this tag up here with this number
16 JO84686, would that be put on by the ME's office DNA
17 lab?

18 A Yes.

19 MS. DAVIDSON: Your Honor, at this time
20 I'd like offer into evidence the contents of State's
21 Exhibit No. 128.

22 THE COURT: All right.

23 MS. DAVIDSON: And tender to
24 Ms. Swallers for her inspection.

25 MS. SWALLERS: No objection, Your

1 Honor.

2 THE COURT: All right. Contents of
3 128 -- 128 are admitted.

4 (Contents of State's Exhibit No. 128
5 were admitted.)

6 Q (BY MS. DAVIDSON) Now, you also did a --
7 processed the inside of the Nissan Xterra; did you
8 not?

9 A Yes, I did.

10 Q And what was the reason you did that?

11 A We were -- or I was examining it for any
12 possible evidence, blood stains, fluids, anything
13 that may be evidentiary.

14 Q And what, if anything, did you find in the
15 Nissan Xterra you thought was important?

16 A There was a blanket that was located in the
17 rear seat that was recovered, that had what
18 assumed -- what appeared to be blood stains on it.

19 Q I'm going to show you what's already in
20 evidence as State's Exhibit No. 105. Is that a
21 photograph of the Nissan Xterra that you processed?

22 A Yes, it is.

23 Q And would this be the same vehicle that you
24 found in the driveway of the home on that evening?

25 A Yes, it is.

1 Q Now, I'm going to show you what I've marked
2 for identification purposes as State's Exhibit
3 No. 104 and 106 through 118. I'd like you to take a
4 look at these and tell me if you recognize these?

5 A (Witness complies.)

6 Q Do these photographs fairly and accurately
7 depict the Nissan Xterra and the evidence you
8 recovered inside of it?

9 A Yes, it does.

10 MS. DAVIDSON: Your Honor, at this time
11 I'd like to offer into evidence 104 and 106 through
12 118, and tender them to Ms. Swallers.

13 MS. SWALLERS: No objections, Your
14 Honor.

15 THE COURT: All right. State's 104,
16 106 through 118 are admitted.

17 (State's Exhibit Nos. 104, 106 through
18 118 were admitted,)

19 Q (BY MS. DAVIDSON) Okay. Looking at State's
20 Exhibit No. 104, can you tell the jury what they're
21 seeing in that photograph?

22 A This is the driver's side compartment of the
23 Xterra.

24 Q What is 106?

25 A This is the driver's side passenger -- rear

1 passenger compartment of the Xterra.

2 Q And what is that?

3 A The blanket that I recovered from the
4 vehicle.

5 Q What is 107?

6 A It's another photograph of the blanket in
7 the rear seat.

8 Q And you recovered the blanket?

9 A Yes.

10 Q And submitted it; did you not?

11 A Yes, I did.

12 Q Did you do anything with the blanket prior
13 to doing that?

14 A I tested the stain -- stains for -- well,
15 the vehicle was processed for any fluids or any other
16 evidentiary items. It was searched. No weapons in
17 it were found. And the -- the blanket was tested
18 for -- couple of the stains on the blanket were
19 tested for blood stains, and it came back with a
20 presumptive of positive.

21 Q Can you tell the jury what kind of tests you
22 can do as a CSU, to determine whether or not
23 something is presumptive for blood?

24 A Well, there's a chemical -- I use two
25 chemicals. One was fluorescein that I used on the --

1 the vehicle itself. And basically it's -- it's
2 sprayed with the fluorescein into the vehicle. It's
3 allowed to dry. I sprayed the seats, steering wheel,
4 the -- the floor of the vehicle for -- with the
5 fluorescein. I allow it to dry, then I come back
6 with the next chemical behind it, spray again and
7 if -- then I darkened the room.

8 The print stall that we do the
9 processing in, I darken it. I wear some UV glasses
10 and then I hit it with a UV light. And if there are
11 any stains in the vehicle, it will fluoresce.
12 Nothing fluoresced in -- in the vehicle on the seats
13 itself. When it came to the blanket, I used
14 phenolphthalein and basically it's a presumptive for
15 blood.

16 It doesn't tell me whether it's human
17 blood or dog's blood or animal. But it tells me if
18 it's blood or not. And it's presumptive. It has to
19 be still sent to the ME's office to identify it and
20 to individualize it. But the phenolphthalein will at
21 least tell me that there is blood there.

22 Q Let me show you State's Exhibit No. 108.
23 Tell the jury what they're seeing in that
24 photograph?

25 A Well, once I collected the blanket, I took

1 it back to the office. And I took it to a -- we have
2 a large room with an extremely large table, that I'm
3 able to spread the blanket out on. And I was -- each
4 stain that I was able to find with my naked eye, I
5 was able to mark it and I tested it with
6 phenolphthalein for positive or negative reactions
7 for blood.

8 Q Okay. State's Exhibit No. 109.

9 A This is one of the stains that I found and
10 marked.

11 Q Is that the same stain in States' Exhibit
12 No. 110?

13 A Yes.

14 Q State's Exhibit No. 111.

15 A Another stain on the blanket.

16 Q And 112, that is just a closer up photograph
17 of the 111 stain?

18 A Yes.

19 Q State's Exhibit No. 113.

20 A Another stain.

21 Q State's Exhibit No. 114.

22 A Stain again.

23 Q 115.

24 A Once again, another stain.

25 Q State's Exhibit No. 116.

1 A Again, a stain with the ruler.

2 Q State's Exhibit No. 117.

3 A Another stain.

4 Q And 118.

5 A Again, another stain.

6 Q When you tested it for blood, how many
7 different areas did you find that were positive for
8 blood, or that your tests showed were positive for
9 blood?

10 A I tested 14 areas on the blanket and 1, 2,
11 3, 4, 5, 6, 7 areas, so half of them came up positive
12 and half did not.

13 Q How many came up positive?

14 A Seven.

15 Q And how many came up negative?

16 A Seven.

17 Q Did you do a diagram -- two separate
18 diagrams, one of the front and one the back of the
19 blanket?

20 A Yes, I did.

21 Q Let me show you what I've marked for
22 identification purposes as State's Exhibit No. 119
23 and State's Exhibit No. 120. I'd like for you to
24 take a look at those and tell me if you recognize
25 those.

1 A (Witness complies.) Yes.

2 Q Are these the diagrams that you prepared to
3 show where you found the stains on that blanket?

4 A Yes.

5 MS. DAVIDSON: Your Honor, at this time
6 I'm going to offer into evidence State's 119 and 120,
7 and tender them to Ms. Swallers for her inspection.

8 THE COURT: Okay.

9 MS. SWALLERS: No objection, Your
10 Honor.

11 THE COURT: State's 119 and 120 are
12 admitted.

13 (State's Exhibit Nos. 119 and 120 were
14 admitted.)

15 Q (BY MS. DAVIDSON) Explain 119 to the jury,
16 please.

17 A Basically, I -- I took the blanket and I
18 decided what -- which side was going to be up, which
19 side was going to be down, to define the blanket.
20 So, I started with the -- the color side, or the
21 upside of the blanket -- what I call the upside of
22 the blanket. And measuring the blanket from top, and
23 then I have a right side and left side. And I have a
24 top to bottom. And I define that with the blanket.

25 And then I was able to measure each

1 and -- each single stain from using the top, the
2 right and the left side. And then once I've measured
3 where the stain was, I -- I marked it and identified
4 it with a number. And then I proceeded to then test
5 it for -- with a presumptive of whether it was blood
6 or not.

7 Q Okay. And what is 120?

8 A 120 is the -- the down side or the back side
9 of the blanket. And I found just a couple of stains
10 back there on -- on that back side.

11 Q And there are 15 numbers on this. Were
12 there 15 stains that you believed could be blood?

13 A There were 14 stains and the 15th was a hair
14 that I found.

15 Q Did you actually recover the blanket and
16 submit it for testing to the ME's office?

17 A Yes, I did.

18 Q I'm going to show you the contents of
19 State's Exhibit No. 133. Look inside there and tell
20 me if you recognize that.

21 A Yes.

22 Q And is State's Exhibit No. 133 the actual
23 blanket that you recovered from inside the car?

24 A Yes, ma'am.

25 Q Now, these circles that are on it, did you

1 put those on there or did the ME's office?

2 A I put the black circles. The ME put the
3 blue ones.

4 Q Okay.

5 MS. DAVIDSON: Your Honor, at this time
6 I'd like to offer into evidence the contents of
7 State's Exhibit No. 133, and tender to Ms. Swallers
8 for her inspection.

9 THE COURT: Okay.

10 MS. SWALLERS: No objection, Your
11 Honor.

12 THE COURT: State's 133 is admitted,
13 contents.

14 (Contents of State's Exhibit No. 133
15 were admitted.)

16 Q (By MS. DAVIDSON) Other than being the crime
17 scene investigator out there, did you have any other
18 dealings with this case?

19 A No.

20 MS. DAVIDSON: I'll pass the witness,
21 Judge.

22 THE COURT: All right. Any questions.

23 MS. SWALLERS: Yes, Your Honor.

24 THE COURT: You may proceed.

25 THE WITNESS: Do I have to leave the

1 gloves on?

2 MS. SWALLERS: I don't believe so.

3 THE WITNESS: Thank you.

4 MS. SWALLERS: Your Honor, may we have
5 just a moment?

6 THE COURT: You may.

7 **CROSS-EXAMINATION**

8 BY MS. SWALLERS:

9 Q Good afternoon, Mr. Sams.

10 A Good afternoon.

11 Q How are you doing?

12 A All right.

13 Q I just have a couple of questions. What I
14 have on the screen here is State's Exhibit No. 4,
15 which is the scene video you recorded that night?

16 A Yes.

17 Q Recognize that?

18 A Yes, ma'am.

19 Q And I'm just curious, do you see light
20 coming through a crack in that back door there?

21 A I think that's possibly the frame. I don't
22 know if that's light coming through the -- you
23 talking about the window or you talking of the seam
24 in the door? Right there.

25 Q The door -- the door itself?

1 A The door jam?

2 Q Yes, sir.

3 A I think that's the frame of the door. Is
4 there a closer shot of it?

5 Q I'm not sure if we can play it. So,
6 you made -- the report for this case, you made it --
7 did you make it that evening? The initial
8 supplement?

9 A No. It took me more than one or two days to
10 write this report. It took me probably over a week
11 to write this report. Doing all the testing and the
12 entry procedure on the report.

13 Q But you took notes that evening?

14 A Yes, yes.

15 Q And you would then use those notes that you
16 took -- contemporaneous of your investigation, to
17 make your report?

18 A Yes.

19 Q Do you recall -- do you recall seeing that
20 the -- seeing that the doorway was closed, but not
21 seated in its latch or locked?

22 A I remember the door being closed. I don't
23 remember the door being unlocked. Let me see.

24 No, ma'am. I made -- I didn't make a
25 note of the door being unlocked.

1 MS. SWALLERS: Your Honor, may I
2 approach?

3 THE COURT: Yes.

4 THE WITNESS: Unless you're seeing it
5 and I'm not finding it.

6 THE COURT: You may approach.

7 THE WITNESS: Am I missing it?

8 Okay. I guess I did make a note.

9 Q (BY MS. SWALLERS) Were you aware if other
10 officers observed the same thing?

11 A I'm not sure, ma'am. I just know that's
12 probably -- that's something I observed obviously,
13 and I noted it.

14 Q Did you note whether any of the other doors
15 were locked?

16 A I don't believe so. I know the front door
17 was unlocked. The -- obviously the garage door --
18 going into the garage door was unlocked. So, no, the
19 front doors were not locked. And obviously this was
20 not latched into its seating. It was open.

21 Q So, there wouldn't really necessarily be any
22 signs of -- or there wouldn't have to be any signs of
23 forced entry for some unwelcomed person to enter the
24 house, right?

25 A If the doors were unlocked before the

1 incident, no, there wouldn't be any need.

2 Q Do you remember checking to see whether the
3 gate had a lock on it, in the backyard?

4 A The gate had a latch on it. It -- it
5 didn't -- I don't believe it had a lock on it.

6 Q And you didn't take any fingerprints, you
7 said, on any of the doors or doorknobs?

8 A No.

9 Q Or of the back gate?

10 A No.

11 Q And you didn't fingerprint the butcher
12 block?

13 A No. I did not fingerprint the butcher
14 block. I think I -- I don't know if I swabbed the
15 butcher block. No, I did not swab the butcher
16 block.

17 Q And you also noted in your testimony there
18 were some stains on the towel in the restroom; do you
19 remember that?

20 A It is possible stains on a towel.

21 Q Do you remember if you checked them -- that
22 for anything further?

23 A No, ma'am, I did not.

24 Q Did you collect the towel at all?

25 A I don't think I did.

1 MS. SWALLERS: No further questions,
2 Judge?

3 THE COURT: All right.

4 **REDIRECT EXAMINATION**

5 BY MS. DAVIDSON:

6 Q What was the reason -- well, first of all,
7 what was the reason you didn't print the doors?

8 A Because of the activity of the officers
9 going in and out of the doors, turning the knobs
10 themselves. It would have distorted -- I felt it
11 would have distorted anything of value on the prints.

12 Q What about the back gate, why didn't you
13 print it?

14 A The gate did not lend itself to -- even
15 if -- due to the coarseness of the wood and the type
16 of latch, it would've not lent itself to a -- a print
17 of value.

18 Q Well, let's talk about that with the jury.
19 When you say "due to its coarseness it wouldn't lend
20 itself." Are there types of surfaces that are easier
21 to get prints off than other surfaces?

22 A Yes. As I spoke about earlier, something
23 that -- such as this foam, you wouldn't be able to
24 really pull a print -- you wouldn't be able to pull a
25 print off of, because it is coarse and it's porous.

1 And it's -- it would be extremely -- and even if you
2 got something off of it, it would not lend itself to
3 being able to identify those ridges, bifurcations,
4 islands, things of that nature that enables you to
5 individualize a print.

6 Things that are rusty like a latch.
7 Things that have been outside not lend themselves
8 easily to prints. Prints are very hard. They're --
9 they're not as readily available as television might
10 make you think they are.

11 MS. SWALLERS: Judge, I'll object to
12 narrative.

13 THE COURT: Sustained.

14 Q (BY MS. DAVIDSON) In your training and
15 experience, how many years have you done lifting and
16 attempting to lift prints from the scene?

17 A Six years now.

18 Q And in that six years, do you tend to find
19 prints with sufficient characteristics often?

20 MS. SWALLERS: Judge, I'm going to
21 object to what he tends to find as it relates to this
22 case.

23 MS. DAVIDSON: Well, Judge, I
24 believe --

25 THE COURT: Well, that's overruled.

1 It's overruled. She asked about his experience.

2 THE WITNESS: Very seldom.

3 Q (BY MS. DAVIDSON) Okay. And so how many
4 different locations on that house that day do you
5 recall attempting to lift prints?

6 A Multiple.

7 Q And you found one print out of that entire
8 house that you cannot make a sufficient
9 identification with?

10 A Yes, ma'am.

11 MS. DAVIDSON: I'll pass the witness,
12 Judge.

13 THE COURT: All right.
14 Anything else?

15 MS. SWALLERS: Nothing further, Your
16 Honor.

17 THE COURT: All right. Thank you. May
18 Deputy Sams be excused?

19 MS. DAVIDSON: Yes, sir.

20 MS. SWALLERS: Yes, sir.

21 THE COURT: For all purposes, or
22 on-call?

23 MS. DAVIDSON: I've got contact
24 information if something should come up.

25 THE COURT: Okay. Possible on-call.

1 Thank you, sir.

2 THE WITNESS: Thank you, Judge.

3 THE COURT: What says the State?

4 MS. DAVIDSON: State calls Deputy
5 Carpenter.

6 THE COURT: Okay. Deputy Carpenter.

7 THE BAILIFF: This witness has not been
8 sworn, Judge.

9 THE COURT: All right. Thank you.

10 Good afternoon, Deputy Carpenter.

11 THE WITNESS: Good afternoon.

12 THE COURT: Raise your right hand,
13 please.

14 (Witness sworn.)

15 THE WITNESS: I do.

16 THE COURT: All right. Feel free to
17 walk over here and have a seat in the witness chair.
18 And feel free to adjust the chair and microphone, and
19 answer as directly as you can. The rule has been
20 invoked. You're familiar with that; is that correct?

21 THE WITNESS: Yes, sir.

22 THE COURT: All right. Thank you.

23 And just try to answer as directly as
24 you can.

25 You may proceed.

1 MS. DAVIDSON: Thank you, Judge.

2 MAURICE CARPENTER,

3 having been first duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. DAVIDSON:

6 Q Can you introduce yourself to the ladies and
7 gentlemen of the jury?

8 A My name is Deputy Maurice Carpenter. I'm a
9 crime scene investigator with the Harris County
10 sheriff's office.

11 Q How long have you been a crime scene
12 investigator with the Harris County sheriff's office?

13 A For six years.

14 Q As a crime scene investigator, can you tell
15 the jury what you do on a daily basis?

16 A Yes. I respond to scenes of crimes.
17 Usually violent crimes, aggravated crimes. Anything
18 from aggravated robberies to homicides. I'm tasked
19 with collection of evidence, documenting the scene by
20 photographing it, by notes, videotape.

21 I'm also trained in collection of DNA,
22 in collection of fingerprints, fingerprints analysis,
23 comparison, and maintaining chain of custody with
24 items we've collected, and processing that items when
25 we return to the lab.