

1 All rise, please, for the jury.

2 (Recess)

3 (Open court, defendant and jury present)

4 THE COURT: Thank you. Please be seated.

5 Call your witness for record.

6 MS. KNECHT: Yes, Your Honor. The State  
7 recalls Sergeant Schobey.

8 THE COURT: Thank you.

9 And, members of the jury, once the oath is  
10 given, it goes throughout the trial. So, we don't  
11 re-administer the oath. Thank you.

12 MS. KNECHT: May I proceed, Judge?

13 THE COURT: Yes, ma'am.

14 **R. SCHOBAY,**

15 having been first duly sworn, testified as follows:

16 **REDIRECT EXAMINATION**

17 **BY MS. KNECHT:**

18 Q. Sergeant Schobey, are you the same Sergeant  
19 Schobey that testified earlier in the trial?

20 A. Yes, ma'am.

21 Q. I want to talk to you about an investigation  
22 that you did while you were with the task force. And  
23 so, more specifically, I want to draw your attention to  
24 Friday, November 12th, 2010. Were you with that bank  
25 task force that we discussed earlier --

1 A. Yes, ma'am.

2 Q. -- on that date?

3 A. Yes, ma'am.

4 Q. And were you still at that point assigned to  
5 investigate bank robberies that were in the area?

6 A. Yes, ma'am.

7 Q. On Friday, November 12th, 2010, was your  
8 attention called to a bank robbery that occurred at a  
9 Wells Fargo?

10 A. Yes, ma'am.

11 Q. Okay. And did you actually go to the Wells  
12 Fargo location?

13 A. No, ma'am.

14 Q. Okay. What did you do as part of your  
15 investigation for that bank robbery?

16 A. My participation initially I was in court, so I  
17 did not go out to it, but once -- everybody who did go  
18 out to it, they gave me all the forms of their  
19 interviews and I inputted those into the computer and to  
20 our sheriff's office database. Once a suspect became  
21 available, I showed photo arrays and a live lineup.

22 Q. Okay. And so, that was for that Wells Fargo on  
23 November 12th?

24 A. Yes, ma'am.

25 Q. Now, that location, where is that located?

1           A.    That's located at 20440 FM 529, in Harris  
2 County, Texas.

3           Q.    And we have been talking a lot about the  
4 robbery that occurred on February 19th.  Is that Wells  
5 Fargo Bank located close to the bank that we have been  
6 talking about, the Capital One that's also on 529 at  
7 Fry?

8           A.    Yes, ma'am, just down the street on 529.

9           Q.    So, within a mile or so?

10          A.    Within a mile.

11          Q.    And you mentioned that you did follow-up on  
12 that case.  Without saying what you learned or what  
13 people said, were you able to develop a suspect's  
14 description from that Wells Fargo robbery on  
15 November 12th?

16          A.    Yes, ma'am.

17          Q.    Were you also able to develop any type of  
18 vehicle that you were interested in looking at?

19          A.    In that one there, they gave a description of  
20 the vehicle as a white Trail Blazer.

21          Q.    Okay.  And so, based on that, did you-all have  
22 an open investigation on that bank robbery?

23          A.    Yes, ma'am.

24          Q.    On December 9th, 2010, were you also called to  
25 investigate a robbery at that same bank?

1 A. Yes, ma'am.

2 Q. And did the description that you received of  
3 the individual who robbed the bank match the description  
4 that you received of the person who robbed it on  
5 November 12th?

6 A. Yes, ma'am.

7 Q. Did you make the scene of the December 9th  
8 robbery?

9 A. No, ma'am.

10 Q. Okay. Did you do a follow-up investigation?

11 A. Yes, ma'am.

12 Q. Did that include, like you mentioned earlier,  
13 interviewing the witnesses, showing the photo arrays,  
14 that kind of thing?

15 A. Yes, ma'am.

16 Q. And then fast-forwarding to December 17th --  
17 oh, sorry. That Wells Fargo, then, is also the same  
18 one. So, it's also located in that same area?

19 A. Yes, ma'am, same spot.

20 Q. Fast-forwarding to December 17th, 2010, were  
21 you called on to investigate a bank robbery at a Compass  
22 Bank?

23 A. Yes, ma'am.

24 Q. And where is that one located at?

25 A. That one is located at 17950 FM 529. Just a

1 bit further down the street.

2 Q. Okay. So, still in that same area?

3 A. Yes, ma'am, along that 529 corridor.

4 Q. Did you make the scene of that particular bank  
5 robbery?

6 A. No, ma'am.

7 Q. Okay. Were you assigned that case for  
8 follow-up investigation?

9 A. Yes, ma'am.

10 Q. And as part of your investigation, did you  
11 interview witnesses?

12 A. When I showed the photo array, I spoke with  
13 them, yes.

14 Q. Did the description you received of the  
15 individual who robbed the bank on December 17th match  
16 the description of the person who robbed the Wells Fargo  
17 on both December 9th and November 12th?

18 A. Yes, ma'am.

19 Q. Did those descriptions also match the  
20 description and the video that we saw of the person who  
21 robbed the bank on February 19th, 2011?

22 A. Yes, ma'am.

23 Q. So, the same description of the robber every  
24 time?

25 A. Yes, ma'am. That's one of the reasons why the

1 cases were assigned to me because when I received the  
2 first suspect -- or the first case with that suspect,  
3 any one that we linked to that suspect would be assigned  
4 to me as the initial investigator.

5 MS. KNECHT: Judge, may we approach?

6 THE COURT: Yes, ma'am.

7 (At the Bench, on the record)

8 MS. KNECHT: Judge, at this time I'm going  
9 into the photo array that he showed the witnesses on  
10 those particular robberies. And so, I'm just  
11 approaching because Joe had originally objected and  
12 wanted us to approach. So, I wanted to make sure that  
13 the Court was aware that I was going into those.

14 THE COURT: Those are photo arrays. Are  
15 the witnesses here?

16 MR. OWMBY: They are here.

17 MS. KNECHT: Three are here. One is on the  
18 way.

19 THE COURT: You may proceed.

20 (Open court, defendant and jury present)

21 MS. KNECHT: May I approach the witness,  
22 Judge?

23 THE COURT: Yes, ma'am.

24 Q. (By Ms. Knecht) Sergeant, first I'm going to  
25 show you what has been marked as State's Exhibit No. 38.

1 Do you recognize that (indicating)?

2 A. Yes, ma'am.

3 Q. And what is that?

4 A. This is a photo array -- or I'm sorry -- the  
5 photo admonishment form that was signed by Ms. Barbara  
6 Mitchell.

7 Q. Okay. And then State's Exhibit No. -- sorry  
8 about that.

9 A. Not a problem.

10 Q. -- 39, do you recognize that (indicating)?

11 A. Yes, ma'am. This is the photo array  
12 admonishment form that was signed by John Alvarado?

13 Q. And then State's Exhibit No. 40 (indicating)?

14 A. Yes, ma'am. It's also an admonishment form  
15 signed by Ditonion Brown.

16 Q. Okay. Now, did you show these three  
17 photospreads to those witnesses?

18 A. Yes, ma'am.

19 Q. Okay. Is this the same makeup photo array that  
20 you showed to Ms. Tereva Ross?

21 A. Yes, ma'am.

22 Q. And so, are these the same admonishments that  
23 you give in every case, that were given to these three  
24 witnesses?

25 A. Yes. Well, two are of the exact same one.

1 It's a task force version. It contains the same  
2 information, but it's formatted a little different.

3 Q. Okay. And so, did each witness have the  
4 opportunity to review those admonishments or  
5 instructions before they viewed the photo array?

6 A. Yes, ma'am.

7 Q. Now, just like with Ms. Ross, I'm going to ask  
8 you the same questions. Did you at any time suggests to  
9 any of the witnesses who they should select?

10 A. No, ma'am.

11 Q. And then after they made their selection, did  
12 you tell them anything in the affirmative, like: Hey,  
13 good job, or anything like that?

14 A. No, ma'am.

15 Q. And so, did Ms. Mitchell view the photo array?

16 A. Yes, ma'am.

17 Q. And did she have any trouble making an ID?

18 A. No, ma'am.

19 Q. And then Mr. Alvarado, did he have an  
20 opportunity to view the photo array?

21 A. Yes, ma'am.

22 Q. And did he have any problem?

23 A. None.

24 Q. No?

25 A. No. He was quick.



1 Q. And then State's No. 40, this is Mr. Brown.  
2 Did he have any trouble making an identification  
3 (indicating)?

4 A. No, ma'am.

5 Q. Okay. Did that pretty much complete your  
6 investigation with those three robberies?

7 A. Yes, ma'am.

8 Q. Okay.

9 MS. KNECHT: I pass the witness.

10 THE COURT: Thank you.

11 **RECROSS-EXAMINATION**

12 **BY MR. OWMBY:**

13 Q. Officer Schobey, first let me ask you some  
14 questions that are pretty much organizational type  
15 questions.

16 A. Yes, sir.

17 Q. State's Exhibit No. 38 is a photospread by  
18 Barbara Mitchell. And what bank was that?

19 A. That was at the BBA -- BBA Compass.

20 Q. And under what police agency and number was it  
21 investigated?

22 A. That was under Harris County Sheriff's Office  
23 offense report number 10173789.

24 Q. Okay. State's Exhibit No. 39, John Alvarado,  
25 what bank was that (indicating)?

1           A.    That was the Wood -- I'm sorry -- Wells Fargo  
2 Bank located at 20440 FM 529.  And the offense report  
3 number is 10157114.  And that's a Harris County offense  
4 report.

5           Q.    All right.  And lastly, State's Exhibit No. 40  
6 (indicating).

7           A.    Mr. Brown?

8           Q.    Yes, sir.

9           A.    Same thing.  But that one is going to have a  
10 different case number.  It will be offense report number  
11 10169074.

12          Q.    All right.  After you arrested -- after you  
13 arrested Mr. Thompson, you placed him in a lineup?

14          A.    Several days later, yes.

15          Q.    How many people did you have view the lineup?

16          A.    There was several.  A couple of representatives  
17 from each bank.

18          Q.    And by "several," would that be at least ten?

19          A.    It was close to ten, yes, sir.

20          Q.    Rebecca --

21          A.    Bebo (phonetic).

22          Q.    -- Bebo viewed for a Chase Bank.  Antoine  
23 Lewis, Paul Robinson, all of those people viewed the  
24 lineup?

25          A.    Yes, sir.

1 Q. Esther Walker for the Wells Fargo Bank, is that  
2 the same bank that you are referring to under the O.R.  
3 10157114?

4 A. I believe she was under 169674.

5 Q. All right. But she was one of the witnesses  
6 from what you referred to as the two robberies at Wells  
7 Fargo?

8 A. Yes, sir.

9 Q. Astavon King (phonetic) and Lisa  
10 Narcissi (phonetic) --

11 A. Narcissi.

12 Q. -- that's from Capital One bank?

13 A. Yes, sir. In Fort Bend County.

14 Q. Bridget Boxly (phonetic), Maria Jackson, also  
15 from Capital One Bank?

16 A. I believe so, yes.

17 Q. Jamana -- sorry if I'm mispronouncing her  
18 name -- Jamana Abousa (phonetic), Compass Bank?

19 A. Yes, sir.

20 Q. That's the same bank with Barbara Mitchell --

21 A. Yes, sir.

22 Q. -- that you showed in State's Exhibit 38?

23 A. Yes, sir.

24 Q. Bernice Serley (phonetic), I have Bank of  
25 Texas. Is that right?

1           A.    I believe so.  I can go back through and review  
2 my notes.

3           Q.    Well, you can.  And maybe we're clear it up in  
4 a moment, but one thing, without reviewing your notes,  
5 none of these people identified Albert Thompson in a  
6 live lineup, did they?

7           A.    Mr. Paul Robinson gave a tentative  
8 identification.

9           Q.    What does a tentative identification mean?

10          A.    On a tentative -- well, let me go through the  
11 types of identification.  A positive, that's him.  A  
12 tentative is like I'm leaning towards this person, yeah,  
13 85 percent sure it's him.  Not enough to say it's him.  
14 And a negative is either I don't know or there is nobody  
15 here that did it.

16          Q.    Amongst these ten individuals who were shown a  
17 live lineup with Albert Thompson in it, you had one  
18 tentative identification, somebody that thought it might  
19 be him; is that correct?

20          A.    85 percent, yes, sir.

21          Q.    One tentative identification; is that correct?

22          A.    Yes, sir.

23          Q.    And the rest were negative?

24          A.    Yes, sir.  We had another one that gave -- it  
25 could be three or six, but I would not consider that an

1 identification.

2 Q. So, actually, not only negative, some people  
3 identified someone else --

4 A. Correct.

5 Q. -- out of these ten robberies; is that correct?

6 A. Yes, sir.

7 Q. Now, you didn't show that lineup again, you  
8 didn't do that method again, did you?

9 A. No, sir.

10 Q. You didn't show a lineup again?

11 A. No, sir.

12 Q. You used a photospread from then on?

13 A. Yes, sir.

14 Q. So, the -- did you videotape this lineup?

15 A. Yes, sir.

16 Q. Well, I said used a photospread. Did you use  
17 the videotape of the lineup for the subsequent  
18 identifications or did you use a photospread?

19 A. I'm sorry?

20 Q. Did you use a photospread or a videotape of the  
21 lineup?

22 A. I don't understand your question.

23 Q. I'm sorry. There are two methods that you  
24 could have used to complete your investigation with  
25 people who did not attend this lineup. You could have

1 either videotaped the lineup and shown them the same --  
2 shown those individuals, that is to be more specific,  
3 Barbara Mitchell, John Alvarado, and Ditonion Brown, you  
4 could have shown them a videotape of the same lineup you  
5 had shown these ten people, or you could have shown them  
6 by some other means, like a photospread?

7 A. Yes, sir.

8 Q. So, you chose to show them a photospread?

9 A. Yes, sir.

10 Q. Now, you mentioned there were different  
11 vehicles involved in each of these cases.

12 A. Yes, sir. Well, in some of the cases, they had  
13 the same description of the vehicles. In other  
14 vehicle -- or in one case, there was no vehicle  
15 description. The first case we had a white Trail  
16 Blazer.

17 Q. Okay. So I can be sure. And I'm going to link  
18 these by -- State's Exhibit No. 38, Barbara Mitchell,  
19 what was the description of the vehicle in that case?

20 A. In that one, I don't believe there was a  
21 vehicle in 38.

22 Q. No vehicle was --

23 A. Let me double-check just to make sure.

24 Yes, sir. At the Compass Bank, there was  
25 not a vehicle seen.

1 Q. And in the robbery that you used State's  
2 Exhibit No. 39, what was that?

3 A. 39 would be Ditonion Brown. That one they gave  
4 several vehicle descriptions. It's anything from a  
5 black Lincoln Aviator to a black Toyota SUV to a black  
6 Tahoe to a black truck.

7 Q. All black, but that Tahoe, Lincoln Aviator --

8 A. Yes, the majority are SUVs.

9 Q. And I said that was 39. Are you saying that  
10 was 40, Ditonion Brown? The case with Ditonion Brown?

11 A. Yes. That's -- I will say Mr. Brown. I messed  
12 on his name. I apologize.

13 Q. I understand.

14 Then that leaves us with 39. What was the  
15 vehicle description in 39?

16 A. Which was the complainant that looked at the  
17 photo array on that one?

18 Q. I have John Alvarado.

19 A. Mr. Alvarado, he was present during two of the  
20 bank robberies. So, one was the white Trail Blazer and  
21 the other was a black vehicle, SUV.

22 Q. All right. Did you connect a white Trail  
23 Blazer to Albert Thompson?

24 A. In speaking with his previous employer --

25 Q. Let me ask the question perhaps a different way

1 so that you don't tell us what somebody else told you.

2 A. Okay.

3 Q. Did you get a license plate number on the white  
4 Trail Blazer?

5 A. No, sir.

6 Q. Did you find a white Trail Blazer at Albert  
7 Thompson's residence?

8 A. No, sir.

9 Q. Did you get a license plate, or, perhaps, a  
10 partial license plate on any of the vehicles or any of  
11 the -- on a vehicle that was described as either a black  
12 Tahoe, Lincoln Aviator?

13 A. In that particular case, no. In other cases,  
14 yes.

15 Q. Were any of those, the Tahoe, the Lincoln, were  
16 you able to get a registration from whatever information  
17 you got?

18 A. When we got a license plate number?

19 Q. Right.

20 A. Yes, sir.

21 Q. Were any of those vehicles registered to Albert  
22 Thompson?

23 A. They were not registered to Mr. Thompson.

24 Q. Now, during the course of these investigations  
25 you collected fingerprints?



1           A.    Correct.

2           Q.    And you submitted those fingerprints for  
3 identification, did you not?

4           A.    Correct.

5           Q.    Speaking of these three cases, which were the  
6 three that, I assume, you're prepared to testify, were  
7 there fingerprints recovered in any of these three  
8 cases?

9           A.    In the Wells Fargo that was robbed twice, yes.

10          Q.    Is that all?

11          A.    And in the Compass, there was not.

12          Q.    You also took swabs from the bank in places  
13 where for whatever reason you thought that the  
14 perpetrator may have touched; is that right?

15          A.    Yes.  Sorry.

16          Q.    Did you -- from those, were you able to obtain  
17 any matches from those DNA samples?

18          A.    No, sir.

19          Q.    All right.  So, the only DNA returns that you  
20 know of are from a cap that was actually in the car with  
21 Albert Thompson?

22          A.    Yes, sir.

23          Q.    And not any of the banks that it was claimed  
24 that he was in; is that right?

25          A.    In the last one, which would be the February

1 19th, I believe, the DNA came back as he could not be  
2 eliminated.

3 Q. That he could not be eliminated?

4 A. Yes.

5 Q. All right. Can you show me that report?

6 A. Mr. Owmbly, the report is for the swabs from the  
7 handgun and from the hat.

8 Q. We've already had that report in evidence.

9 A. Yes, sir.

10 Q. I'm going to show you another report, which I'm  
11 going to mark just for identification as Defense No. 3.  
12 And is this from one of the investigations of the bank  
13 robberies that you've talked about (indicating)?

14 A. Yes, sir.

15 Q. All right. And that report says no DNA, right?

16 A. Yes, sir. No DNA was matched.

17 Q. All right. So, now to clear it up for us,  
18 there was, in fact, no DNA match, no fingerprints. Were  
19 you able to have surveillance film in these --

20 A. Yes, sir.

21 Q. -- in all of these?

22 A. Yes, sir.

23 Q. When reviewing the surveillance film, was the  
24 robber, perpetrator, or whoever you saw in the  
25 surveillance flim wearing gloves?

1 A. No, sir.

2 Q. Was he wearing gloves in any of them?

3 A. No, sir.

4 Q. Let me come back to the lineups. Is there a  
5 protocol or a standard for whether to make an  
6 identification by lineup or by photospread?

7 A. No, sir.

8 Q. Is it easier to identify a person in a  
9 photospread than in a lineup?

10 A. Not necessarily.

11 Q. Was the lineup that you -- or I don't know if  
12 you conducted them. I'm sorry.

13 A. Yes, sir.

14 Q. If the lineups that were conducted for the ten  
15 people who did not identify Albert Thompson, were they  
16 conducted correctly?

17 A. Yes, sir. They were done with the standard  
18 protocol?

19 Q. Did you conduct it?

20 A. Yes, sir.

21 Q. So, after you were unsuccessful in identifying  
22 Albert Thompson in a lineup viewed by ten people, you  
23 decided to use a photospread?

24 A. Yes, sir.

25 Q. When the lineups were conducted, were the

1 individuals all in the same room?

2 A. Since we had so many people, our live lineup  
3 room is small, I broke them into two groups. We allowed  
4 each group to view it one time and then I had everybody  
5 exit the room and I'd bring one person in at a time to  
6 go over the live lineup.

7 Q. Okay. So, you broke them into two groups and  
8 you gave them their admonishments as a group; is that  
9 correct?

10 A. Yes. Well, they each signed their own paper.

11 Q. I understand.

12 A. But they were in a group while they had their  
13 admonishments.

14 Q. All right. Then you brought them back in the  
15 room to -- were you standing with them when they were in  
16 the room?

17 A. During the live lineup, yes, sir.

18 Q. During the live lineup?

19 A. Yes, sir.

20 Q. Who gave the instructions during the live  
21 lineup --

22 A. I did.

23 Q. -- to the lineup?

24 A. I did.

25 Q. Now, would you describe the lineup room for me?

1 Can they see you while you're giving instructions to the  
2 people in the lineup? In other words, to put it more  
3 clearly, how close are you to them when they are  
4 standing alone viewing this lineup?

5 A. How close am I to the individuals?

6 Q. To the individuals that are making the -- or  
7 attempting to make the identification or viewing the  
8 lineup?

9 A. During the live lineup, I'm off to the left of  
10 the room at the intercom button giving the oral  
11 instructions.

12 Q. So, you are giving the instructions by  
13 intercom, and, I guess, from the person's point of view  
14 they're in the room alone listening to the intercom?

15 A. Okay. We're --

16 Q. You are in the room with them, you are using an  
17 intercom to give the instructions to the lineup  
18 participants. Is that correct?

19 A. Yes. I'm in the room giving the intercom  
20 instructions to the participants.

21 Q. Okay. The room is kind of dark; is that  
22 correct?

23 A. Yes, sir.

24 Q. And there are bright lights on the stage so  
25 that the -- to obscure the view of the people who are

1 looking at the lineup; is that correct?

2 A. Yes, sir. Like a one-way mirror.

3 Q. Like a one-way mirror.

4 A. Or one-way glass.

5 Q. And there are you and at least one guard in the  
6 room?

7 A. Yes. Deputy Garza is inside the room with me.  
8 He's doing the videotape.

9 Q. Now, when you show a photospread, it's just you  
10 and that participant in a room in the bank; isn't that  
11 correct?

12 A. Correct.

13 Q. Because you don't need a guard like Deputy  
14 Garza because there is no need for guards. Just you and  
15 that person and that photospread, right?

16 A. Well, if the accommodations were different, we  
17 wouldn't need another person in there. He's there to  
18 videotape.

19 Q. What I mean is, when you show a photospread,  
20 it's different than a lineup, there's not all these  
21 witnesses, there's not the person -- the guard --

22 A. When we're actually going over -- I'm sorry. I  
23 don't mean to speak over you. When we --

24 Q. It's just you --

25 THE COURT: Excuse me. Let him answer the

1 question before you ask the next one.

2 A. When we're -- like I say, when we do the live  
3 lineup, I had five people in the room with myself. I  
4 believe Mr. Thompson's attorney was inside the room with  
5 me and Deputy Garza was videotaping.

6 Q. (By Mr. Owmbly) Oh, okay.

7 A. Once that presentation was over, I still had  
8 the five participants inside the -- on the other side of  
9 the glass. And his attorney was present. And I went  
10 ahead and went over each of the -- well, I went over  
11 everything with the participants to see if they could  
12 identify the person that robbed the bank.

13 Q. So, when you had zero percent identifications,  
14 you had the defendant's attorney and several other  
15 people present, but when you had 100 percent  
16 identifications, at least on these three photospreads,  
17 it was just you and the person viewing the photospread?

18 A. It wasn't 100 percent.

19 Q. Well, among those three it was.

20 A. Okay. Not just a -- okay. I will agree with  
21 you.

22 MR. OWMBY: Pass this witness.

23 MS. KNECHT: May I proceed, Judge?

24 THE COURT: Yes, ma'am.

25 **REDIRECT EXAMINATION**

1 **BY MS. KNECHT:**

2 Q. Do you think it might be helpful if you were  
3 able to kind of do a timeline of when each robbery  
4 occurred and who the victim was on each one?

5 A. Okay.

6 Q. Do you think that would be helpful?

7 A. It could be.

8 MS. KNECHT: May I approach, Judge?

9 THE COURT: Yes, ma'am.

10 Q. (By Ms. Knecht) Through the course of your  
11 investigation, did you learn when the defendant was  
12 fired from his job, the date of that?

13 A. Yes, ma'am. I believe it was November 10th,  
14 2010.

15 Q. Okay. And then we talked about the first  
16 robbery at Wells Fargo Bank. Do you recall the date of  
17 that robbery?

18 A. Yes. That was November 12th, 2010.

19 Q. And is that going to be Mr. Ditonion Brown and  
20 John Alvarado?

21 A. On first one, that would be --

22 Q. Were those the two people there at that  
23 robbery?

24 A. Mr. Alvarado was, but it will be Antoine Lewis  
25 and Paul Robinson were the complainants?



1 Q. Okay. And the photo array that I showed you a  
2 second ago, you showed to Mr. Brown and to Mr. Alvarado;  
3 is that right?

4 A. Correct.

5 Q. Okay. Then the second time the Wells Fargo was  
6 robbed, what date was that?

7 A. December 9th.

8 Q. And that's going to be these two individuals  
9 again; is that right?

10 A. Yes. But Mr. Brown wasn't there on the first  
11 one. He was there on the second.

12 Q. Okay. Are you sure about that?

13 A. Let me double-check.

14 Q. If I told you he was there on both robberies,  
15 would you have any disagreement with that, Sergeant  
16 Schobey?

17 A. I know Mr. Alvarado -- I was just thinking --  
18 on March 16th, 2011, when I spoke with Mr. Brown, he  
19 said --

20 Q. We can't talk about what he said, but did you  
21 learn that he was there on both times, during both  
22 robberies?

23 A. I apologize. I stand corrected. I was  
24 thinking of a different lineup.

25 Q. That's okay.



1 speculation about why they -- his opinion as to why they  
2 did not identify anybody in the lineup.

3 THE COURT: Sustained.

4 Q. (By Ms. Knecht) Did you learn why some people  
5 were unable to make an identification? Without saying  
6 what you learned, did you learn why some people were  
7 unable to make an identification?

8 A. Yes.

9 Q. And as far as fingerprints go, as part of your  
10 job with the FBI bank task force, would you say that  
11 banks are pretty well-traveled?

12 A. Yes, ma'am.

13 Q. Is it fair to say that a lot of people come and  
14 go from banks?

15 A. Yes, ma'am.

16 Q. And so, did it surprise you to learn or should  
17 it surprise us to learn that there were no prints found  
18 of the defendant's?

19 A. No.

20 Q. Okay. Why not?

21 A. Because so many people are inside a bank. When  
22 we're processing, we try and capture whatever we can to  
23 see if we can link them to someone. Sometimes you get  
24 them, sometimes you don't. And also the texture on top  
25 of the counters of banks is not conducive for

1 fingerprints. It's not a smooth surface. Next time  
2 you're inside a bank, look at the teller counters. It's  
3 formica and it's not real good.

4 Q. Okay. And then as far as DNA evidence goes, is  
5 it the same for prints or a lot of people coming and  
6 going from banks?

7 A. Yes, ma'am.

8 Q. So, when you are directing or when an FBI agent  
9 is directing an individual, a Crime Scene Unit, to  
10 collect an area where they believe the defendant may  
11 have touched, is there a possibility or a chance that  
12 you're getting DNA from a customer?

13 A. Oh, yes.

14 Q. So, someone that's not the defendant?

15 A. Correct.

16 Q. When you are directing -- or when agents are  
17 directing the CSU as to where to take samples from, are  
18 you kind of just guessing where the defendant may have  
19 touched based on video and witness statements and that  
20 kind of thing?

21 A. Yes, ma'am.

22 Q. When did you learn -- the defense attorney  
23 asked you -- Mr. Owmbly asked you about the fact that you  
24 weren't able to link that Aviator to the defendant, that  
25 it wasn't registered to him. Was it registered to him?

1           A.    Well, on the Aviator, we never got a license  
2 plate, but on the vehicle -- the main vehicle in  
3 question, the black Chrysler Aspen --

4           Q.    Aspen.   Excuse me.   I apologize.   On the Aspen,  
5 were you able to find out who that vehicle was  
6 registered to?

7           A.    Yes, ma'am.

8           Q.    And who was that registered to?

9           A.    It was -- the owner of it was Beck & Masten,  
10 the car dealership where Mr. Thompson used to work.

11          Q.    On the other locations where you had a vehicle  
12 description, did they generally match the vehicle that  
13 you-all stopped on March 3rd, 2011?

14          A.    Yes.   Black SUV.   At some of the banks we had  
15 ATM cameras that showed a black Aspen pull, suspect get  
16 out, run inside, come back out, and then flee the area.

17          Q.    So, that's the vehicle that y'all were looking  
18 for on March 3rd, 2011?

19          A.    Yes, ma'am.   Also one of the Fort Bend  
20 County -- I'm sorry.   The Fort Bend County case --

21                   MR. OWMBY:   Objection, Your Honor.  
22 Nonresponsive.

23                   THE COURT:   Sustained.

24          Q.    (By Ms. Knecht) Was that vehicle the vehicle  
25 that y'all were looking for on March 3rd, 2011?

1 A. Yes, ma'am.

2 Q. Were there, in fact, a lot of deputies and  
3 officers in the area that were on the lookout for that  
4 particular vehicle?

5 A. Yes, ma'am.

6 Q. And before you-all -- or before Deputy  
7 Januhowski came upon that vehicle on March 3rd, 2011,  
8 had y'all taken some effort in order to help and try and  
9 locate that particular vehicle?

10 A. Yes, ma'am.

11 Q. And is that because that vehicle was used in  
12 some --

13 MR. OWMBY: Objection to the leading.

14 THE COURT: Sustained.

15 Q. (By Ms. Knecht) And why was it that you were  
16 looking for that particular vehicle?

17 MR. OWMBY: I believe that's been asked and  
18 answered. Plus, it calls for speculation, calls for a  
19 narrative response.

20 THE COURT: Overruled.

21 A. The Fort Bend County case where -- which was  
22 robbed in a similar means, it has a black Chrysler  
23 Aspen.

24 MR. OWMBY: I'll object. That has to be  
25 based on hearsay.