

1 treating the living, that's theirs.

2 Q. Okay. Fair enough.

3 MS. ONCKEN: I'll pass the witness.

4 MR. HOCHGLAUBE: I have nothing
5 further, Judge.

6 THE COURT: Thank you, sir. You can
7 step down.

8 Who's next?

9 MS. ONCKEN: Shauna Schoonover.

10 THE COURT: Raise your right hand for
11 me, please, ma'am.

12 (Witness sworn)

13 THE COURT: Have a seat.

14 MS. ONCKEN: May I proceed?

15 THE COURT: Yes, ma'am.

16 SHAUNA SCHOONOVER,
17 having been first duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 Q. (BY MS. ONCKEN) Well, I almost said, "Good
20 morning." Good afternoon. How are you?

21 A. Fine. Thank you.

22 Q. Good. Can you please tell the jury your
23 name?

24 A. My name is Shauna Schoonover.

25 Q. And where do you work?

1 A. I am a criminalist with the Houston Police
2 Department crime lab.

3 Q. And what does that mean?

4 A. I test items of evidence that come in for
5 the presence of bodily fluids.

6 Q. Okay. And typically what kind of fluid is
7 it that you're looking for?

8 A. Blood and semen.

9 Q. Okay. I want to start with showing you
10 some evidence. I'm going to show you what's been
11 marked as State's Exhibit 107 and its contents and
12 also State's Exhibit 109 and ask you to look at 107
13 and see if you recognize your initials anywhere on
14 107's box.

15 A. Yes, I do.

16 Q. Okay. And I'll just try to hold it up.
17 Can you point to your initials?

18 A. *(Indicating.)*

19 Q. S.S.

20 A. Yes.

21 Q. Okay. And, now, there's also some other
22 initials. A.D. Do you know who A.D. is? Or is that
23 somebody at your lab or at the property room?

24 A. Yes. It was our evidence technician at the
25 time.

1 Q. Okay. Tell the jury: How is it that a
2 criminalist like yourself receives evidence to test?

3 A. Investigators will submit requests for
4 analysis to our lab, and at that time the case will
5 be assigned to an analyst. And when I'm ready to
6 proceed with my analysis, I will request the evidence
7 to be brought back to the lab. And our evidence
8 technician will pick it up from the property room,
9 bring it back, and I will transfer it into my
10 custody.

11 Q. Okay. And do you have different evidence
12 technicians that go to the property room for you?

13 A. Yes.

14 Q. Okay. And A.D., who would that be?

15 A. Ashley Davis.

16 Q. Okay. And was there another evidence tech
17 that helped you on this case?

18 A. Can I refer to my notes?

19 Q. Please. Sure.

20 A. Yes, there was.

21 Q. Okay. Who was that?

22 A. Glenda Adkins.

23 Q. Okay. And these people work for the
24 Houston Police Department, correct?

25 A. Yes.

1 Q. Okay. And when evidence comes into your
2 lab, where is it kept? Does it depend on the kind of
3 evidence it is?

4 A. We have a locked evidence storage room, and
5 we also have a walk-in freezer. They are both
6 secured with locks.

7 Q. And when does something need to be in the
8 freezer versus at room temperature?

9 A. Our final work product is stored for
10 long-term storage in the freezer.

11 Q. Okay.

12 A. Everything else is mainly at room
13 temperature.

14 Q. And does keeping it at room temperature in
15 any way affect any of that evidence? Would it start
16 deteriorating at some point?

17 A. No, it does not.

18 Q. Okay. And let's look at State's
19 Exhibit 109. And I'll ask you: Are your initials
20 anywhere on the evidence envelope of 109?

21 A. Yes.

22 Q. Okay. And up there at the top I see S.S.?

23 A. Yes.

24 Q. Okay. So, from whom did you receive
25 State's 109 that's marked one bloodstain card?

1 A. Ashley Davis.

2 Q. Okay. And Ms. Davis would have gotten it
3 from the property room; is that correct?

4 A. Yes.

5 Q. Okay. And can you tell from the outside of
6 this what officer collected the evidence?

7 A. Yes.

8 Q. Okay. And who is that?

9 A. Xavier Avila.

10 Q. Okay. Now, let's talk about what is inside
11 of State's Exhibit 107. Now, is it safe for us to
12 pull this out?

13 A. We prefer not to without gloves.

14 Q. Okay. Inside of this box is what exactly?
15 Two items?

16 A. Can I refer to my notes, please?

17 Q. Please.

18 A. There are two items within the box, yes.

19 Q. And can you describe for the jury those
20 items?

21 A. One is a baby shirt and another is a towel.

22 Q. Did you photograph these two items?

23 A. Yes, I did.

24 Q. Okay. Looking at State's Exhibit 94, do
25 you recognize what's in 94?

1 A. Yes.

2 Q. And who, if you know, took this picture?

3 A. I did.

4 Q. Okay. And I see the letter A marked on
5 there. Is that something that came with the towel or
6 that you placed on the towel?

7 A. I wrote "Side A" and "Side B" on the item
8 once I opened it.

9 Q. All right. In State's 95 we can see the
10 letter B; is that correct?

11 A. Yes.

12 Q. Okay. Now, do you have an indication of
13 what it is that you're looking for when the
14 investigating officer makes the request?

15 A. In this case, yes.

16 Q. Okay. And what were y'all looking for in
17 this case?

18 A. We were looking for the possible presence
19 of blood.

20 Q. Okay. And going back to 94. Side A we see
21 some, you know, kind of red looking stain. Is that
22 what you would have tested, or part of that?

23 A. Yes.

24 Q. And then on Side B, do we see another stain
25 in the corner?

1 A. Yes, it is.

2 Q. Okay. Moving on to State's Exhibit 96.

3 Did you take this photograph?

4 A. Yes, I did.

5 Q. Okay. And is that part of your normal
6 procedure to photograph and document the evidence?

7 A. Yes.

8 Q. And also State's 97, is that the backside
9 of the T-shirt?

10 A. Yes, it is.

11 Q. Did you do any testing to determine if
12 there was any bodily fluids on either the towel or
13 the baby T-shirt?

14 A. Yes, I did.

15 Q. Okay. Did you test both items?

16 A. Yes.

17 Q. Okay. And what did you determine?

18 A. Both items were confirmed positive for the
19 presence of blood of human origin.

20 Q. Okay. And when you say "of human origin,"
21 are we distinguishing between animal blood? I mean,
22 what does that mean?

23 A. There's a small percentage chance that it
24 could be ferret blood, which is why we say
25 "99 percent."

1 Q. Okay. And you said "ferret"?

2 A. Yes.

3 Q. Okay. And can you explain that a little
4 bit further?

5 A. The test that we use, it has been -- in
6 literature it's been proven that ferret blood does
7 have a reaction with this test in very rare
8 occasions.

9 Q. Okay. So, you are how many percentages
10 certain that it's human blood?

11 A. If I'm not mistaken, the product insert
12 states 99 percent.

13 Q. Okay.

14 THE COURT: Can I interrupt? Are you
15 saying "ferret," like the animal?

16 THE WITNESS: Yes.

17 MS. ONCKEN: Ferret, like the little
18 furry animal.

19 THE COURT: Okay. Just -- it's late
20 on Friday afternoon.

21 Q. (BY MS. ONCKEN) Okay. So, 1 percent chance
22 ferret. All right. So, you said that you do a
23 confirming test; is that what you called it?

24 A. Confirmatory.

25 Q. Confirmatory test. So, was there an

1 initial kind of screening test that you did as well?

2 A. Yes. I first do a presumptive test where
3 it just gives me an idea if the presence of blood is
4 possible; and if it is positive, then I will follow
5 up with a confirmatory test.

6 Q. And you confirmed on both items; is that
7 correct?

8 A. Yes, I did.

9 Q. And you've got 99 percent for human blood
10 to both items?

11 A. I got a positive result, yes.

12 Q. Okay. Did you also do some cuttings on the
13 shirt and the towel?

14 A. I did.

15 Q. Okay. Now, do you cut -- and literally
16 just that means you cut the items, right?

17 A. Yes.

18 Q. Okay. For what purpose?

19 A. The items that are confirmed positive, I
20 will cut out of the original item, in this case the
21 T-shirt, and retain them for DNA analysis in our lab.

22 Q. Okay. So, is it right that you're just
23 trying to get a smaller portion of it so you're not
24 dealing with all this extra fabric that you don't
25 need?

1 A. That is correct.

2 Q. Okay. And if we were to put on gloves and
3 pull the items out of the State's Exhibit 107, would
4 they actually have holes in them?

5 A. Yes.

6 Q. Okay. And those cuttings, are they
7 retained somewhere?

8 A. Yes. They're retained at the lab.

9 Q. Okay. And do you-all have a policy in
10 terms of maintaining a certain portion of the
11 evidence to allow for testing by the defense, if they
12 wanted to do that?

13 A. Yes. We will never consume the item of
14 evidence. We will never take more than half.

15 Q. Okay. And is that part of your policy, or
16 is that a national accreditation policy?

17 A. That is part of our policy.

18 Q. Okay. How many bloodstains were on the
19 infant's shirt that we saw in 96 and 97?

20 A. Six.

21 Q. Okay. That's six on the T-shirt?

22 A. Yes.

23 Q. And how many did you do a blood test on to
24 determine if it was blood?

25 A. I did six presumptive tests and one

1 confirmatory.

2 Q. Okay. And again is that procedure? In
3 other words, is there a scientific need to do the
4 confirmatory on all six presumptive?

5 A. No, there's not.

6 Q. Okay. And then on the towel, how many
7 bloodstains were there?

8 A. Also six.

9 Q. Okay. And how many did you test?

10 A. I tested six presumptively and one for
11 confirmatory.

12 Q. Okay. And after you concluded your
13 testing, what did you do with the evidence -- the
14 towel -- well, actually let's go back. The remains,
15 what was left after you did your cuttings of the
16 towel and the T-shirt, where did they go?

17 A. They went back to the property room.

18 Q. Okay. And then the smaller cuttings, where
19 did they go?

20 A. The smaller cuttings were retained in our
21 lab for our DNA analyst.

22 Q. Okay. And are Robin Guidry and Priscilla
23 Ancira Hill, are they DNA analysts at the H.P.D.
24 crime lab?

25 A. Yes, they are.

1 Q. And the bloodstain card that we looked at
2 in State's Exhibit 109, did you open that or test
3 that in any way?

4 A. I did not.

5 Q. And what did you do with it?

6 A. I retained it in the lab for the next --
7 for the DNA analyst to open.

8 Q. Okay.

9 MS. ONCKEN: We'll pass the witness.

10 MR. MARTIN: We have no questions,
11 your Honor.

12 THE COURT: Thank you, ma'am. You can
13 step down.

14 Who's next?

15 MS. ONCKEN: State calls Robin Guidry.

16 THE COURT: Can you raise your right
17 hand, please?

18 (Witness sworn)

19 THE COURT: Have a seat.

20 ROBIN GUIDRY,

21 having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 Q. (BY MS. ONCKEN) Can you please introduce
24 yourself to the jury?

25 A. Good afternoon. My name is Robin Guidry.