

1 witness has not been sworn.

2 THE COURT: Any other witnesses?

3 MS. FALK: Yes. I have three  
4 others outside.

5 THE COURT: Let's bring them in,  
6 please. Please raise your right hand to be sworn,  
7 please.

8 (Witnesses sworn)

9 THE COURT: You may put your hands  
10 down, please. Ladies and gentlemen, the rule has  
11 previously been invoked, which means you can't  
12 discuss this case with anyone. You can't read any  
13 reports, compilations, summaries regarding anyone's  
14 testimony. You may discuss the case with the  
15 lawyers, but you must do so outside the presence and  
16 hearing of any other witness. Who's your next  
17 witness, Ms. Falk?

18 MS. FALK: Ms. Schoonover.

19 THE COURT: Ms. Schoonover, please  
20 make your way to the witness stand. Others, please  
21 return to the hall.

22 Ms. Falk, you may proceed.

23 SHAUNA SCHOONOVER,

24 After having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1           Q.    (By Ms. Falk) Good afternoon. Can you  
2 tell the ladies and gentlemen of the jury your full  
3 name for me?

4           A.    My name is Shawn Schoonover.

5           Q.    I said Schoonover. It's Schoonover?

6           A.    It's okay.

7           Q.    Can you tell me where you work?

8           A.    I'm a criminalist with the Houston  
9 Police Department Crime Laboratory.

10          Q.    What does a criminalist do?

11          A.    I screen items of evidence for the  
12 presence of biological fluids.

13          Q.    And then what's the purpose of doing a  
14 screening for biological fluids?

15          A.    This is to find any potential DNA that  
16 could be found on the items from the crime scenes  
17 that will be further processed.

18          Q.    Before we talk about your involvement in  
19 this case, I want to talk about your educational and  
20 professional background. Okay? Can you walk me  
21 through your schooling?

22          A.    I attained a Bachelor of Science Degree  
23 in Biomedical Science from Texas A&M University.

24          Q.    What -- that sounds really fancy. Can  
25 you tell us what that means in kind of common sense

1 terms?

2 A. It's a science-based degree.

3 Q. After you obtained your bachelor's  
4 degree, did you have any further schooling or  
5 further education?

6 A. No, I did not.

7 Q. Is that when you started at the Houston  
8 Police Department?

9 A. No.

10 Q. What'd you do after college?

11 A. I worked as a research technician at  
12 Baylor College of Medicine, here in the medical  
13 center for seven years before working at HPD.

14 Q. How long have you worked in HPD since  
15 those seven years at Baylor?

16 A. Been at the department since January of  
17 2008.

18 Q. Have you always been assigned as a  
19 criminalist within the HPD Crime Lab?

20 A. Yes.

21 MR. DAVIS: Your Honor, I'd  
22 stipulate she's an expert.

23 MS. FALK: I'll move forward,  
24 Judge.

25 THE COURT: Thank you.

1           Q.    (By Ms. Falk) Let's go ahead and talk  
2 about your involvement in this case.

3                   MS. FALK:  Your Honor, may I  
4 approach the witness?

5                   THE COURT:  Yes, ma'am.

6           Q.    I'm going to hand you what I've  
7 premarked as State's Exhibit No. 6.  Are you  
8 familiar with this document?

9           A.    Yes.

10          Q.    And is it a lab report that you were  
11 involved in?

12          A.    Yes, it is.

13          Q.    And is it in the same or substantially  
14 similar condition as it was originally?

15          A.    Yes.

16          Q.    And do you have your whole case file  
17 with you that has this contained within it as well?

18          A.    I do.

19          Q.    Is it the normal practice of business  
20 within the HPD DNA lab to keep items like this?

21          A.    Are you referring to the report?

22          Q.    Yes.

23          A.    Yes.

24          Q.    Is it -- is this item, the report,  
25 State's 6, actually kept in the regular course of

1 business with the HPD lab?

2 A. Yes, it is.

3 Q. Then are each of the entries made at or  
4 near the time of each entry by someone with personal  
5 knowledge?

6 A. Yes.

7 Q. Were you involved in this report in  
8 State's 6?

9 A. Yes, I was.

10 MS. FALK: Your Honor, the State  
11 would offer State's Exhibit No. 6.

12 MR. DAVIS: No objection, Your  
13 Honor.

14 THE COURT: State's 6 is admitted  
15 without objection.

16 Q. (By Ms. Falk) Now, I also -- while I'm  
17 up here, I want to show you what's already been  
18 introduced into evidence as State's Exhibit No. 1.  
19 Are you familiar with State's 1, the large envelope  
20 and its contents?

21 A. Yes.

22 Q. And how is it that you're familiar with  
23 State's 1 and its contents?

24 A. It has the unique identifier of my  
25 initials and date I received the evidence.

1 Q. Where are your initials on this?

2 A. They're right here.

3 Q. Okay. Then do you also get like an I.D.  
4 number or lab number assigned to it?

5 A. Yes. It has a unique lab identification  
6 number.

7 Q. This was originally sealed, but  
8 contained within it, there's a larger envelope and  
9 then two smaller envelopes. Are you familiar with  
10 these two smaller envelopes that are in State's 1 as  
11 well?

12 A. Yes.

13 Q. What are each of these small envelopes?

14 A. Can I see the description on the front,  
15 please? Items 1.1 and 1.2, which were swabs from a  
16 knife.

17 Q. Before we start talking about kind of  
18 some of the technical stuff and how it works and  
19 what you were able to find, I want to identify the  
20 evidence first. Were those swabs within those two  
21 little envelopes taken from this item, which is in  
22 the large envelope in State's 1?

23 A. Yes.

24 Q. We can tell that the blade on the knife  
25 is actually wrapped in cardboard and then evidence

1 tape, right?

2 A. Yes, correct.

3 Q. Is it you that wraps that and protects  
4 it?

5 A. I did that because when I was returning  
6 it into the packaging, the blade would not fold  
7 safely; so, I put cardboard around it.

8 Q. Now, when you get assigned a case,  
9 what's your initial involvement? Like, what do you  
10 do first?

11 A. When a request comes into the lab it is  
12 assigned -- the case is assigned to an analyst.  
13 When I'm notified of that case assignment, I will  
14 then request the evidence from the property room to  
15 be brought back to the lab and transferred into my  
16 custody.

17 Q. Is that the evidence that we just went  
18 through in that envelope?

19 A. Yes, it is.

20 Q. At some point do you actually receive  
21 the item from the property room over at the lab?

22 A. Yes.

23 Q. What do you do when you receive the  
24 item?

25 A. I will first observe the evidence for

1 any -- for proper seals and identifiers and note if  
2 there's any discrepancies between the paperwork and  
3 evidence. And if there's any broken seals or  
4 missing seals, I'll note them at that time.

5 Q. Did you do that in this case?

6 A. Yes. And I noticed there was no  
7 discrepancies.

8 Q. What's the next thing that you do as  
9 part of your analysis or your part of the analysis?

10 A. I will then inventory the items I  
11 receive to make sure that it is what I'm supposed to  
12 be receiving for that case, photograph all the items  
13 and make proper documentation for the case file.

14 Q. Did you do that in this case?

15 A. Yes, I did.

16 Q. What's the next thing that you do?

17 A. I will then do the proper testing of  
18 what's being requested for that item and begin with  
19 the presumptive test.

20 Q. How do you know what it is that's being  
21 requested for that item?

22 A. Typically the officer will notify us on  
23 the actual request of what it is he would like us to  
24 screen for, whether it be blood or semen or possible  
25 contact DNA.



1 Q. What was the request for in this case?

2 A. In this case it was for the possible  
3 presence of blood.

4 Q. Could you actually observe what appeared  
5 to be blood or red blood stains on the knife itself  
6 with the naked eye?

7 A. I did, and I noted that in my  
8 photograph.

9 Q. Once you do the initial, on the -- once  
10 you find out what it is you're going to be screening  
11 for, what do you do next?

12 A. I will then proceed with the first  
13 presumptive test for blood in that instance to see  
14 if it's positive or negative and whether or not I  
15 will continue.

16 Q. Did you do that in this case?

17 A. I did.

18 Q. What were the results from that?

19 A. Presumptive test indicated the presence  
20 of blood on the item.

21 Q. So, then what do y'all do after the  
22 initial presumptive test?

23 A. Since the initial test was positive, I  
24 proceeded with a confirmatory test, which would tell  
25 us if, in deed, that item had blood of human origin

1 on it.

2 Q. Why is it you need to determine if  
3 there's human blood compared to like animal blood?

4 A. There are several false positives that  
5 occur with our first test. Even though we do get a  
6 positive presumptive test, it is possible it's not  
7 blood. So, that's why we perform the second test to  
8 make sure it is human blood.

9 Q. Did you run that second test in this  
10 case?

11 A. Yes, I did.

12 Q. What were the results of the second  
13 test?

14 A. The item responded positive to human  
15 origin of blood.

16 Q. Did you originally -- you said there  
17 were two items, 1.1 and 1.2. Where were each of  
18 those items from?

19 A. I took one swab, item 1.1 was taken from  
20 the blood, and item 1.2 was taken from the handle.

21 Q. That's of the knife?

22 A. Yes.

23 Q. Now, how is it that you determine how  
24 many swabs or how many samples you're going to take?

25 A. It all just depends on the size of the

1 item and the amount of red brown stains that I saw.  
2 In this case I just took one so we could concentrate  
3 as much biological fluid as possible.

4 Q. Did you actually -- we talked about in  
5 State's Exhibit 6 --

6 MS. FALK: At this time, Your  
7 Honor, I'd ask permission to publish State's Exhibit  
8 6.

9 THE COURT: State's 6 is in  
10 evidence, correct, without objection?

11 MR. DAVIS: (Nods head  
12 affirmatively)

13 MS. FALK: Thank you.

14 Q. (By Ms. Falk) If you look at the  
15 computer that's there right next to you, I'm going  
16 to zoom in a little bit. What's the date of this  
17 report?

18 A. June 30th 2011.

19 Q. Is this the report that we're referring  
20 to where you document your results from your  
21 analysis or your portion?

22 A. Yes, it is.

23 Q. If we look down at the bottom here, my  
24 signature line is blank on this report, but that's  
25 where you would sign off on the original report?

1           A.    Yes, on the official copy.

2           Q.    When we talk about here in items of  
3 evidence, is that here, document under items of  
4 evidence, the 1.1 and 1.2 we were talking about?

5           A.    Yes.

6           Q.    How is it you break it down further to  
7 1.1.1 and 1.2.1?

8           A.    The 1.1 and 1.2 are the swabs I took  
9 directly from the item, which is the knife. The  
10 1.1.1 and 1.2.1 are portions of those swabs that  
11 were retained for DNA analysis.

12          Q.    Then if we look at our results and  
13 interpretation, is that where you give your two  
14 conclusions, basically, that we do the initial  
15 presumptive test and then a second test?

16          A.    Yes.

17          Q.    What was -- what were your conclusions  
18 in this case?

19          A.    That the item, the knife responded  
20 positively to human original by HemaTrace, which is  
21 our confirmatory test.

22          Q.    Is there anything that I have not asked  
23 you about relevant to this case in this part? We  
24 kind of glazed over it.

25          A.    Not that I'm aware of.

1 MS. FALK: Pass the witness, Judge.

2 THE COURT: Mr. Davis.

3 MR. DAVIS: No questions, Your  
4 Honor.

5 THE COURT: Thank you, ma'am. You  
6 may stand down. May this witness be excused?

7 MS. FALK: Yes, Judge.

8 MR. DAVIS: Yes, Your Honor.

9 THE COURT: Call your next.

10 MS. FALK: State calls Jennifer  
11 Clay.

12 THE BAILIFF: Your Honor, this  
13 witness has been previously sworn.

14 THE COURT: Thank you. Ms. Falk.

15 JENNIFER CLAY,

16 After having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 Q. (By Ms. Falk) Good afternoon. Will you  
19 tell the ladies and gentlemen your full name?

20 A. My name is Jennifer Clay.

21 Q. We got to get it out of the way. When  
22 are you due?

23 A. Next week.

24 Q. Did you go to the doctor today?

25 A. Yes, I did.