

1                   MR. ROBERT LOPER: I have nothing  
2 further, Judge.

3                   THE COURT: Thank you. You're  
4 excused.

5                   MS. BARNETT: May we approach?

6                   THE COURT: Yes.

7                   **(At the bench, off the record.)**

8                   THE COURT: All right. Ladies and  
9 gentlemen, we're going to take a 15-minute recess.

10                   **(Recess taken.)**

11                   **JEFFERY SMITH,**

12 having been first duly sworn, testified as follows:

13                   **DIRECT EXAMINATION**

14 **BY MR. REED:**

15           Q.       Good afternoon, Mr. Smith. Would you  
16 please introduce yourself to the jury?

17           A.       My name is Jeffery Smith.

18           Q.       And what is your profession?

19           A.       I'm a latent fingerprint examiner.

20           Q.       What does that mean to people like myself?

21           A.       Well, it means that I compare fingerprints  
22 almost daily when I'm working. And they can be  
23 either fingerprints from somebody that I just rolled  
24 a fingerprint card from or a fingerprint from a crime  
25 scene. We try and match the fingerprints to who they

1 belong to.

2 Q. How long have you been employed in that  
3 capacity or how long have you been a fingerprint  
4 expert?

5 A. Well, my first position I started in 1987.

6 Q. So you been doing this quite awhile?

7 A. About 25 years.

8 Q. Did you have to have any specialized  
9 training or any classes, specialized courses you had  
10 to take?

11 A. I've had numerous specialized training.  
12 Initially, I received my bachelor's degree in  
13 criminal justice from California State University in  
14 Sacramento. And during the course of obtaining my  
15 degree, I took courses in crime scene investigation  
16 and fingerprinting. I knew when I was taking those  
17 courses, it was something that it just clicked with  
18 me. I was good at it.

19 So after graduation, I was hired by  
20 the Sacramento Police Department and I worked there  
21 approximately 14 years. I rose through the ranks  
22 until I became a supervisor where I supervised units.  
23 I also did the work.

24 And then I left Sacramento and went to  
25 work for Lakewood, Colorado, where again I was a

1 latent fingerprint examiner and after approximately  
2 ten months I was promoted to supervisor doing the  
3 same thing. I would do the work plus I'd supervise  
4 people doing the work.

5 I left Lakewood in 2005. I went  
6 overseas and I worked for the U.S. Government as a  
7 contractor in Iraq for about two and half years. I  
8 ran the latent fingerprint lab that was located in  
9 Fallujah. While I was over there, we did the same  
10 thing. We had evidence. We processed evidence. We  
11 found fingerprints and we compared them against  
12 people, try to match up the fingerprint.

13 Since then, I came back from Iraq,  
14 worked for Denver Police Department for about two  
15 years and now I work as a contractor for Ron Smith &  
16 Associates as a latent fingerprint examiner.

17 Q. How long have you been with Ron Smith &  
18 Associates? About two years?

19 A. Since about March of 2010, yeah, so working  
20 on two years.

21 Q. In your 20-plus years of being a  
22 fingerprint expert, have you testified before?

23 A. Yes.

24 Q. On many occasions?

25 A. Numerous occasions.

1           Q.       Numerous occasions. Can you tell us what  
2 types of prints there are, like, what are the  
3 different kinds of prints? We heard the word  
4 "latent" thrown around.

5           A.       There are known fingerprints, basically  
6 what you would recognize as an inked fingerprint. I  
7 don't know everybody's background, but in today's  
8 world. People get fingerprinted all the time. So a  
9 lot of you may have been fingerprinted. That is what  
10 we call exemplars or known fingerprints.

11                       Used to be done mostly with ink.  
12 Nowadays some of it is done with the computer on the  
13 live scanning machine. Those are known prints.

14                       The other prints most familiar are  
15 latent prints. Those are prints that you typically  
16 cannot see. They're on the item, like at a crime  
17 scene or something else and has to be brought visual  
18 with some kind of processing technique, the most  
19 common of which you might be aware of is fingerprint  
20 powder.

21           Q.       So known prints are like if we go apply for  
22 a job, we get fingerprinted, that may go on record,  
23 correct?

24           A.       Yes.

25           Q.       Okay. Have you ever seen or heard of two

1 identical prints of people -- there being two  
2 identical prints out there?

3 A. Never.

4 Q. Did you have an opportunity to print  
5 someone in this courtroom today?

6 A. Yes.

7 Q. Okay. Can you point to that person and  
8 describe an article of clothing he's wearing?

9 A. He's wearing a black shirt with a number  
10 three on it.

11 Q. And what kind of print was that?

12 A. That's a known print.

13 MR. REED: Your Honor, may I approach?

14 THE COURT: Yes.

15 Q. (BY MR. REED) Is this the print from today?

16 A. Yes.

17 Q. And did he sign --

18 A. He did.

19 Q. -- this print?

20 Is that his signature right here?

21 A. Yes.

22 Q. And did you have an opportunity to compare  
23 this print to any other prints?

24 A. Yes.

25 Q. What prints were those?

1           A.       They're the latent prints contained in  
2 Exhibit No. 90 that are marked on the lifted tape as  
3 L4, L5 and L6.

4           Q.       Did you make a determination of whether or  
5 not the prints from the person that you pointed out  
6 matched up with the prints from State's Exhibit 90?

7           A.       Yes.

8           Q.       Did they match?

9           A.       L4 and L5 are the right middle finger and  
10 L6 is the right ring finger.

11          Q.       Okay. Now, did Ron Smith & Associates have  
12 an opportunity to do prints on a white Camry sometime  
13 around September or to -- not to do the prints, but  
14 to actually identify those prints and compare those  
15 prints to other known prints?

16          A.       The prints that we compared were in --

17                    MR. ROBERT LOPER: Judge, I'm going to  
18 object unless he's talking about what he has done. I  
19 think he'd be testifying from some other record.

20                    THE COURT: Sustained.

21                    MR. REED: Judge, may I publish  
22 State's Exhibit 90?

23                    THE COURT: Yes.

24          Q.       (BY MR. REED) Before you testified, we  
25 already heard today that those prints from State's

1 Exhibit 90 were lifted from the door -- from the top  
2 door and you just stated that those prints matched  
3 the prints -- the latent print -- I'm sorry -- the  
4 known prints of the person that you printed today.  
5 First and foremost --

6 MR. REED: Judge, may the record  
7 reflect that this witness has identified the  
8 defendant, LaVincent Donaldson?

9 THE COURT: Yes, it will.

10 MR. REED: I'm sorry. As the person  
11 he printed today?

12 THE COURT: Yes, it will.

13 Q. (BY MR. REED) Were you personally involved  
14 in the investigation or of -- in the identification  
15 of fingerprints obtained from a case or from a white  
16 Camry in September of 2010?

17 A. I don't know. If the lift there contained,  
18 Lift 90, came from a white Camry, then, yes.

19 MR. REED: Your Honor, may I approach?

20 THE COURT: Yes.

21 Q. (BY MR. REED) I'm showing you what's been  
22 previously marked as State's Exhibit 93. Do you  
23 recognize this?

24 A. Yes.

25 Q. Okay. And do you recognize what this is

1 and -- what is it?

2 A. It's the report that our company generated  
3 of the work -- results of the work we did on the  
4 comparisons in this case.

5 Q. Okay. And is there a way to tell where  
6 these comparisons came from?

7 A. I'm -- I don't understand.

8 Q. Is there like a case number or something to  
9 refer it to?

10 A. Yes.

11 Q. Okay. Does it tell you the people that you  
12 compared?

13 A. Yes, it does, back on this page.

14 Q. Okay. So it tells you the people that were  
15 compared to the known prints -- I'm sorry -- to the  
16 latent prints?

17 A. Yes.

18 Q. Okay. Which people or who did you compare?  
19 What are the names of the people that you compared?

20 MR. ROBERT LOPER: Judge, I'm going to  
21 object, testifying from some document not in  
22 evidence.

23 THE COURT: Sustained.

24 Q. (BY MR. REED) Did you have -- did you have  
25 anything to do with making this report?



1 A. No.

2 Q. You didn't create this report?

3 A. I did not.

4 Q. Okay.

5 MR. REED: Judge, if I could have one  
6 moment?

7 No further questions, Judge.

8 THE COURT: Mr. Loper.

9 MR. ROBERT LOPER: Thank you, Judge.

10 **CROSS-EXAMINATION**

11 **BY MR. ROBERT LOPER:**

12 Q. Mr. Smith, it appears you have worked  
13 almost all over the United States and outside of the  
14 United States, haven't you?

15 A. Yes.

16 Q. How did you happen to -- it looks like go  
17 from being a biometrics examination consultant to  
18 working for Ron Smith & Associates?

19 A. I'm still a biometrics examination  
20 consultant.

21 Q. I apologize. That's your role. That's not  
22 who you work for. Correct. You worked for the  
23 Denver Police Department?

24 A. I did.

25 Q. 2008 to 2010. How is it you moved from

1 Denver PD to Ron Smith?

2 A. I was invited to work on the project with  
3 Houston Police Department and I accepted the position  
4 and I resigned from Denver PD.

5 Q. Okay. And the project you're mentioning is  
6 where the Houston Police Department, more or less,  
7 outsourced their latent print examination to the  
8 company you now work for, correct?

9 A. Yes.

10 Q. Are you related to Mr. Smith?

11 A. No, I'm not.

12 Q. Just same last name?

13 A. Yes.

14 Q. Okay. But in any event, your experience  
15 over the years lead you to be a person who can be in  
16 the position to compare prints and determine whether  
17 an unknown print matches the known prints of a  
18 certain individual; is that correct?

19 A. Yes.

20 Q. What you have told us today is that it's  
21 your opinion that a print that you took today  
22 belonged to the gentleman that you pointed out here  
23 in the courtroom; is that correct?

24 A. Sort of.

25 Q. Why don't you tell us again what you did

1 then?

2 A. I know for a fact that the prints I took  
3 today belong to that individual because I took them  
4 from him.

5 Q. Okay. And then what you did was you  
6 compared them to another exhibit that was shown to  
7 you?

8 A. Yes.

9 Q. Correct? And you said that those matched  
10 up?

11 A. Yes.

12 Q. Were you made aware of where those other  
13 latent prints were taken from when you did your  
14 examination?

15 A. Yes, I saw the lift card that said it was,  
16 as it states there, the exterior FPS door window, top  
17 rear corner.

18 Q. Okay. So the record is clear and so the  
19 jury understands, you didn't actually work on this  
20 case, other than the work you're doing today; is that  
21 right?

22 A. No.

23 Q. No, that's not right?

24 A. That is not correct.

25 Q. Okay. You did work on this case?

*Jeffery Smith - March 7, 2010  
Cross-Examination by Mr. Robert Loper*

1           A.     I did comparisons of this case.  I compared  
2 all the latents that were submitted in this case to  
3 four individuals.

4           Q.     When did you perform that work, sir?

5           A.     Yesterday.

6           Q.     Okay.  Back in September or October or  
7 November of 2010, did you do any work on this case?

8           A.     I did not.

9           Q.     You didn't do work -- any work on this case  
10 until yesterday; is that what I'm understanding?

11          A.     That's correct.

12          Q.     Okay.  Is there any way that a latent print  
13 can be aged?

14          A.     No.

15          Q.     Is there any way that there's some test you  
16 folks have that you can tell the jury this print's  
17 three hours old?

18          A.     The only way I could do that if I actually  
19 saw somebody touch something, I immediately process  
20 that item and lifted the prints that I saw them touch  
21 and I identified them to the fingers I saw touch it.  
22 So, technically, yes, but the basic answer to the  
23 question is no.

24          Q.     Okay.  Realistically, if you were talking  
25 about latent prints, the answer is absolutely no,

1 correct?

2 A. That is correct.

3 Q. You wouldn't be able to say whether a print  
4 was three hours old, three days old or three weeks  
5 old, correct?

6 A. Correct.

7 MR. ROBERT LOPER: That's all I have,  
8 Judge. I pass the witness.

9 THE COURT: Mr. Reed.

10 **REDIRECT EXAMINATION**

11 **BY MR. REED:**

12 Q. Mr. Smith, Mr. Loper talked to you a little  
13 bit about the examination you did on yesterday. Did  
14 you have an opportunity to examine other prints?

15 A. Yes.

16 Q. And were those other prints related to the  
17 report that I showed you that you also have up there  
18 with you?

19 A. Yes.

20 Q. Okay. And were those other prints that you  
21 examined --

22 MR. REED: Your Honor, may I approach?

23 THE COURT: You may.

24 Q. (BY MR. REED) Mr. Smith, are these the  
25 other prints that you examined?

1 A. Yes.

2 Q. Okay. Are these latent prints or are these  
3 known prints?

4 A. They're latent prints.

5 Q. Okay. Were you able to take these latent  
6 prints that you examined yesterday and compare them  
7 to known prints?

8 A. Yes.

9 Q. And what are the names of the known prints  
10 that you compared them to?

11 MR. ROBERT LOPER: I'm going to object  
12 to that, Your Honor, based on hearsay and relevance.

13 THE COURT: Can I see the attorneys up  
14 here?

15 **(At the Bench, on the record.)**

16 THE COURT: I have no idea whose  
17 prints they are.

18 MS. BARNETT: Originally, they took  
19 the print that the vehicle examiners -- they  
20 identified them, said Prints 1, 2, 3 come from the  
21 Defendant, LaVincent Donaldson. We also checked --

22 THE COURT: Who did that?

23 MS. BARNETT: No. They have a funny  
24 system going with this company. It's unbelievable.  
25 They also compared all those fingerprints to

1 Christopher Faulk, Kendrick Parker (sic) who was also  
2 in the car and two other guys.

3 THE COURT: Slow down. Make sure I'm  
4 understanding.

5 Back in 2010, prints from the car were  
6 sent to that lab?

7 MS. BARNETT: Yes. All the prints  
8 from the original analysis. They have come up with  
9 Vincent Donaldson on the one thing. All others he  
10 did not come up. He verified that yesterday that  
11 they did not come back from Christopher Faulk and  
12 Kendrick Parker (sic).

13 THE COURT: I guess you can ask if the  
14 prints from October 10th were sent to this other lab  
15 to work on it back then and if he reviewed their work  
16 yesterday. It's easy to do.

17 MS. BARNETT: Yeah.

18 THE COURT: It's easy to do.

19 MR. REED: Thank you, Judge.

20 MR. ROBERT LOPER: I'm still going to  
21 object to relevance. He doesn't know that work was  
22 done except by reviewing the record, not in evidence.

23 THE COURT: I think based on the way  
24 the cross-examination went, I think it is relevant  
25 and I'm going to let it in.

1                   MR. ROBERT LOPER: I don't think he  
2 can use that identification that someone else has  
3 made and call that name out because he did not do  
4 that work.

5                   MS. BARNETT: He did it himself.

6                   THE COURT: Yesterday, not in 2010.

7                   MS. BARNETT: But he did it.

8                   MR. ROBERT LOPER: He did not check  
9 those people's prints yesterday. He was handed a  
10 card.

11                   THE COURT: He can say the work I sent  
12 to their lab in 2010, someone else did work on that  
13 involving those.

14                   MS. BARNETT: Did those people  
15 compare?

16                   THE COURT: And he can say all that.  
17 Your objection, until 15 minutes ago, nobody knew  
18 these prints were the defendant's and that's not  
19 accurate.

20                   MR. ROBERT LOPER: I'm not trying to  
21 suggest anything. He can testify all day about my  
22 client's prints. He took them. I'm fine with he's  
23 taking someone else's prints. Some other evidence  
24 not compared by evidence yet.

25                   THE COURT: I don't think that's what



1 he's asking him to do.

2 MR. ROBERT LOPER: He's going to call  
3 out the name.

4 THE COURT: I don't know what's in the  
5 report. What are you trying to clear up?

6 MR. REED: Basically that his prints  
7 are the only prints that are identified from his  
8 investigation from yesterday.

9 THE COURT: I thought you were trying  
10 to clean up -- it looked like somebody just decided  
11 to do this.

12 MR. REED: And then the other people  
13 that will testify, the codefendant, another person  
14 that will testify, and other people were not  
15 identified.

16 THE COURT: He cannot do that unless  
17 he compares.

18 MR. REED: He did compare their known  
19 prints.

20 **(End of Bench discussion.)**

21 THE COURT: Ladies and gentlemen, I  
22 need you to step outside. None of us are quiet  
23 talkers.

24 **(Jury leaves courtroom.)**

25 THE COURT: Can I see the report that

1 they are showing you? He cannot testify about from  
2 cards that he doesn't know who did the fingerprints.  
3 Y'all are wanting to him to say yesterday he had a  
4 print from Joan Campbell, the suspect, and he knows  
5 Joan Campbell didn't do it?

6 *MS. BARNETT:* Okay. As I understand  
7 it, Judge, the report is based on they -- when the  
8 prints are given to them back in September of 2003,  
9 they check them against -- I'm sorry -- 2010 --  
10 excuse me -- they checked them against these six  
11 people, LaVincent Donaldson, Christopher Faulk,  
12 Kendrick Parker (sic).

13 *THE COURT:* Those people walked in and  
14 did prints? They got them in jail and they had  
15 prints for CODIS. That's my question: CODIS or the  
16 real people showed up?

17 *MS. BARNETT:* I'm almost positive it's  
18 not the real people.

19 *THE COURT:* Then you cannot talk about  
20 who else yesterday was compared for the same reason  
21 that you can't just say, We know it's him because  
22 there's a CODIS hit. It has to be comparing to him.

23 *MS. BARNETT:* May we ask: Do you know  
24 whether or not, without giving an answer, I assume we  
25 can ask, do you know whether or not the latent print

1 lifted from that -- whatever -- Camry was checked  
2 against a -- was checked -- were you asked to compare  
3 the latent print from the Camry with a documented  
4 print, without the answer, of Christopher Faulk, of  
5 Kendrick Jackson --

6 *THE COURT:* From CODIS? Is that who  
7 you -- is that who you --

8 *MR. ROBERT LOPER:* AFIS.

9 *THE COURT:* What's CODIS?

10 *MS. BARNETT:* That's DNA. That's the  
11 blood.

12 *THE COURT:* Thank you. Is that what  
13 you compared things to yesterday?

14 *THE WITNESS:* I compared the latents  
15 that were submitted yesterday with the fingerprints  
16 that were on file for those individuals.

17 *THE COURT:* I guess maybe I can learn  
18 how the fingerprints are on file and how that worked  
19 and how accurate that comparison can be. So if y'all  
20 are hoping that comes in, then let me hear some  
21 testimony about it.

22 *MS. BARNETT:* Right now?

23 *THE COURT:* Yeah, right now, because  
24 otherwise --

25 *MS. BARNETT:* Okay. I'm sorry, sir.

1

**VOIR DIRE EXAMINATION**

2

**BY MS. BARNETT:**

3

Q. Jeffery Smith? Mr. Smith?

4

A. Yes.

5

Q. Okay. Can you tell us how it is that you were asked to compare a latent print and an unknown print to AFIS? Do you find that to be a credible piece of evidence to compare prints with?

6

7

8

9

A. Okay. Yes. That's not what happened in this case.

10

11

Q. Okay. What happened in this case?

12

A. This case the prints were requested to be compared to specific individuals. Those specific individuals were: Darius Simonton, LaVincent Darnell Donaldson, Christopher Faulk, Danielle Trejo Aguilar and Kendrick Bernard Jackson. Those prints are on file with the Houston Police Department.

13

14

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17

18

Q. Okay. I misspoke. I didn't mean did you just submit it to the wide world of AFIS. That's what I meant.

19

20

21

A. Well, no. They were submitted to the wide world of AFIS. After those comparisons were conducted, the latent prints that were not identified get entered into the AFIS system. They get entered into the local system, the state system and the

22

23

24

25

1 federal system. That's where matches can be made.  
2 They search through AFIS and a list of candidates  
3 come back. And we compare the latent that was  
4 searched against that list of candidates to see if we  
5 have any identifications.

6 If we do, we request a copy of those  
7 fingerprints from wherever they may reside. Could be  
8 local. Could be state. Could be federal.

9 Q. Okay. Where did you get -- who gave you  
10 the name of Christopher Faulk or where did you get  
11 the name of Christopher Faulk to compare to the  
12 prints submitted from the Camry?

13 A. I believe those names were submitted by the  
14 detective.

15 Q. Okay. When you're talking about Darius  
16 Simonton and Kendrick Parker (sic) and LaVincent  
17 Donaldson and the other guys, were all those names  
18 that were given to you or submitted to you by the  
19 detective?

20 A. Yes.

21 Q. Now, when you -- so are you saying then  
22 that the prints that were provided to you from the  
23 Camry by HPD, you submitted to AFIS?

24 A. After the comparisons were conducted to  
25 those individuals, yes. The identification was not a

1 result of AFIS because we had the name of LaVincent  
2 Darnell Donaldson submitted to us. He was  
3 identified. Once they're identified, there's no  
4 reason to search them through AFIS because they've  
5 been identified.

6 *THE COURT:* What do you compare the  
7 latent print to? What's in front of you? Someone's  
8 given you the name?

9 *THE WITNESS:* The name. Then we go  
10 into the system and we retrieve the fingerprint card  
11 that resides in the system and sometimes there's  
12 multiple copies and we will decide which copy we want  
13 to use, typically the best. We'll print that out and  
14 that's what we'll use to make our comparison.

15 *Q. (BY MS. BARNETT)* Do you feel comfortable in  
16 testifying under oath that the latent identifiable  
17 prints from the Camry that were submitted and asked  
18 to be compared to the prints on file for Christopher  
19 Faulk did not, could not be identified or did not  
20 belong to Christopher Faulk?

21 *A.* Yes.

22 *Q.* Okay. Why do you feel confident in  
23 testifying under oath to that?

24 *A.* Because Christopher Faulk is one of the  
25 individuals who was requested. I have a copy of a

1 fingerprint card of Christopher Faulk. I compared  
2 all these prints, except for the ones that were  
3 previously identified to LaVincent Donaldson because  
4 I already know who they belong to, to Christopher  
5 Faulk and all the other ones because I have copies of  
6 their fingerprints.

7 So my comparison I conduct, I am  
8 satisfied that those prints do not belong to any of  
9 those other individuals.

10 Q. And I guess the question is: Are you  
11 satisfied that the prints that are in front of you  
12 that are identified to you as Christopher Faulk  
13 actually belong to Christopher Faulk?

14 A. Yeah.

15 Q. Why are you satisfied with that?

16 A. I trust the record-keeping. Can I sit up  
17 here and say I know for a fact that those are  
18 Christopher Faulk's prints? No, I can't do that  
19 because I don't know who Christopher Faulk is. And I  
20 don't want to be glib, but people lie all the time  
21 about what their name is.

22 THE COURT: Okay. Thank you. I'm  
23 learning so much.

24 No. If the point that you were trying  
25 to clear up that people had done work before 15

1 minutes ago, yes, or that they did work yesterday,  
2 yes, but if you want him to say it's not Christopher  
3 Faulk's print, then he has to have Christopher Faulk  
4 here. And the other witnesses.

5 *MS. BARNETT:* May we just ask -- at  
6 this point in the testimony be allowed to ask: Were  
7 you asked to determine whether or not the prints  
8 belonged to Christopher Faulk and/or Kendrick Parker?  
9 Yes. And then that's it. Then we would ask that he  
10 be asked to come back when Christopher Faulk and  
11 Kendrick Parker are here so that we can complete that  
12 testimony and show that those prints are not  
13 identified.

14 *THE COURT:* Let's wait until he has  
15 made those comparisons, all right, before we  
16 introduce their names. I'm sure AFIS never makes a  
17 mis -- AFIS? Do I have the right one?

18 *THE WITNESS:* Yes.

19 *THE COURT:* Whatever that service is  
20 never makes a mistake, like I do, but I would just as  
21 soon wait, I feel probably could prove it up somehow,  
22 but it would have to have somebody going and talking  
23 about the AFIS system itself.

24 So, yes, he can come back. I don't  
25 know if he's free. He may be going to Bermuda



1        tonight. But if he's free, he can come back tomorrow  
2        and do those comparisons.

3                    *MS. BARNETT:* That's fine, Judge. We  
4        will ask for that. We also feel like it's incumbent  
5        to show the jury that it wasn't just LaVincent  
6        Donaldson that he was being asked to -- or the  
7        company was being asked to identify the prints. They  
8        were also asking Christopher Faulk and Kendrick  
9        Parker, just that they were asked.

10                   *THE COURT:* I know. Can't you do it  
11        tomorrow after you can say --

12                   *MS. BARNETT:* Who knows what's going  
13        to happen tomorrow? I don't know if there is going  
14        to be another guy here. Ron Smith, they don't work  
15        this way. This is not the guy for the whole case is  
16        what I'm told.

17                   *THE COURT:* Well, are you available to  
18        come back tomorrow?

19                   *THE WITNESS:* Yes.

20                   *THE COURT:* He'll come back tomorrow.

21                   *THE WITNESS:* I'm here through -- I go  
22        home the morning of the 14th. And, regardless,  
23        there's always an expert available from Ron Smith  
24        that can come over and do comparisons.

25                   *MS. BARNETT:* That's the way they do

1 it. They won't tell you who's going to come until  
2 the day of.

3 *THE WITNESS:* Because we don't know.

4 *MS. BARNETT:* Right. And that's  
5 why -- anyway. I'm still -- I'm just asking if we be  
6 allowed to ask the question about whether they were  
7 asked about Kendrick Parker and Christopher Faulk  
8 without answering.

9 *THE COURT:* That's fine. That's fine.

10 *MR. ROBERT LOPER:* Judge, if I may, I  
11 would think that the proper person to ask that  
12 question, though, would be the person who did the  
13 asking of Ron Smith & Associates to do comparisons.

14 *THE COURT:* It wouldn't matter. If  
15 somebody comes over tomorrow and makes the  
16 comparison, then that's fine. He's got all the  
17 records there. We're getting too spun up on  
18 something that's not an issue.

19 I mean, is your theory that Faulk  
20 touched the car anyhow?

21 *MS. BARNETT:* Yes.

22 *THE COURT:* He was there. So I think  
23 we're getting kind of --

24 *MS. BARNETT:* It just shows the  
25 fairness on the part of the officers to include

1 everybody. Puts some other people --

2 THE COURT: He already went through  
3 that, didn't you? Y'all were asked to compare four  
4 people? Didn't four people come from you?

5 MR. ROBERT LOPER: I don't think so,  
6 Judge.

7 THE COURT: I'll tell you, all of this  
8 is way past the jury. You can ask if the company was  
9 given a number of names to make comparisons from.  
10 And will someone else be able to testify about those  
11 comparisons tomorrow.

12 Let's bring in the jury.

13 And, Mr. Reed, it's you. Do you know  
14 what you're going to ask?

15 MR. REED: Yes, Judge.

16 MS. BARNETT: He's going to be able to  
17 say, Pass the witness.

18 *(Jury enters the courtroom.)*

19 THE COURT: The court may be seated.

20 And, Mr. Reed, you may continue.

21 **REDIRECT EXAMINATION CONTINUED**

22 **BY MR. REED:**

23 Q. Mr. Smith, just one question. And I just  
24 want to clear things up. Ron Smith & Associates, to  
25 the best of your knowledge, was asked to compare the

1 prints of other persons, other than LaVincent  
2 Donaldson, right?

3 A. Yes.

4 MR. REED: No further questions,  
5 Judge.

6 THE COURT: All right. Mr. Loper.

7 MR. ROBERT LOPER: I have nothing  
8 further, Judge.

9 THE COURT: All right. Thank you,  
10 sir. You may step down.

11 Do you have any other witnesses here  
12 at this point?

13 MS. BARNETT: We don't.

14 THE COURT: We're going faster than  
15 scheduled. I always tell folks when you're getting  
16 to leave early, I either apologize to you for leaving  
17 early or you're welcome, whichever your thought  
18 process is about that.

19 I think tomorrow will be a fuller day.  
20 I'm going to ask tomorrow that you come at 10:30.  
21 10:30. You need to remember the admonitions of the  
22 Court. Don't discuss this case among yourselves or  
23 anyone else. Don't go to the scene of any alleged  
24 crime. Try not to think about this case. Drive home  
25 safely through that rain. And we'll see y'all