

1 jail on the MAJ. Date of the dismissal, September 5, 2007.

2 State's Exhibit No. 106, State of Texas versus
3 Seित्रich Deandre Buckner, misdemeanor charge, burglary of a
4 motor vehicle. Cause No. 1692699, Harris County Criminal Court
5 at Law No. 9. On or about July 9, 2010, so about three weeks
6 after the instant offense, did then and there unlawfully with
7 intent to commit theft break into and enter a vehicle owned by
8 Antonio Lozado.

9 State's Exhibit No. 107, motion to dismiss Cause No.
10 1692699, offense, burglary of a motor vehicle, State of Texas
11 versus Seित्रich Deandre Buckner, reason for dismissal, other.
12 In the explanation, capital murder in 176th. After discussion
13 with M. McCorvey, this case dismissed and will be used in
14 punishment.

15 State's Exhibit No. 108 -- State's Exhibit No. 108 is
16 the pen packet from the state jail.

17 State of Texas would now call Deputy Squires.

18 DEPUTY M. SQUIRES,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. REISS:

22 Q. Good morning, Deputy.

23 A. Good morning.

24 Q. I'm sure Her Honor knows you, but just for purposes
25 of the record, could you please introduce yourself.

1 A. I'm Deputy Mike Squires with the Harris County
2 Sheriff's Department.

3 Q. Okay. How long have you been employed with the
4 Harris County Sheriff's Department, sir?

5 A. 22 years.

6 Q. Okay. What are your current roles and
7 responsibilities in the sheriff's office?

8 A. I'm currently assigned to the gang suppression unit.

9 Q. What -- do you work over in the jail?

10 A. Yes.

11 Q. What do you do over in the jail with the gang
12 suppression unit?

13 A. We identify people who are gang members, we do
14 interviews of those individuals, and we assist our agency and
15 other agencies in investigations involving gang members.

16 Q. Do your roles and responsibilities include taking
17 photographs of inmates at the jail to document possible gang
18 tattoos?

19 A. They do.

20 Q. Do you recall receiving a request to take photographs
21 of Seitrich Buckner last week around March 16th, Friday,
22 March 16th?

23 A. Yes.

24 Q. Okay. And did you, in fact, take photographs of Mr.
25 Buckner?

1 A. Yes.

2 Q. Do you see Mr. Buckner in the courtroom today?

3 A. I do.

4 Q. Could you please point to him and identify him by an
5 article of clothing that he's wearing.

6 A. It's the gentleman in the orange shirt.

7 MR. REISS: The record reflect that this witness has
8 identified the defendant.

9 THE COURT: It will so reflect.

10 MR. REISS: May I approach the witness, your Honor?

11 THE COURT: You may.

12 Q. (By Mr. Reiss) Sir, I'm showing you what has been
13 marked for identification as State's Exhibits No. 109 through
14 112. Can you take a look at those photographs, please.

15 A. (Complies.)

16 Q. What are those, sir?

17 A. They're photographs of the defendant's tattoos.

18 Q. Okay. And are these -- do they fairly and accurately
19 depict his tattoos on certain parts of his body as they existed
20 on March 16, 2013?

21 A. They do.

22 Q. Okay.

23 MR. REISS: Tendering 109 through 112 to Defense
24 counsel for inspection.

25 MS. SCARDINO: May I take this witness on voir dire,

1 your Honor?

2 THE COURT: You may.

3 VOIR DIRE EXAMINATION

4 BY MS. SCARDINO:

5 Q. Deputy Squires, you said to Mr. Reiss that this is a
6 typical thing that you do in the jail, go to the -- I guess you
7 go to the inmate's cell and take photographs, right, of their
8 tattoos?

9 A. I usually have them brought to my office, but yes.

10 Q. Was Mr. Buckner brought to your office?

11 A. Yes.

12 Q. And was it there where you personally took these
13 photographs?

14 A. Yes.

15 Q. And when you -- just without speaking of Mr. Buckner,
16 but when you do this and you find evidence of what you would
17 call, typically call a gang tattoo, that's pretty much -- would
18 you agree with me that that is saying to you, I am a member of
19 a gang, isn't that right?

20 A. It depends. You have to have more than just a
21 tattoo.

22 Q. But that's what you're looking for, correct?

23 A. Yes. We're looking for evidence of tattoos that are
24 gang specific, yes.

25 Q. And on Seित्रिच Buckner's body and State's Exhibit

1 No. 109 through -- well, let's take 109, for instance. Did
2 that show you any evidence --

3 MS. SCARDINO: May I approach the witness, your
4 Honor?

5 THE COURT: You may.

6 Q. (By Ms. Scardino) Is there any evidence of Mr.
7 Buckner being a member of a gang in State's Exhibit 109?

8 A. No.

9 Q. And in your experience, of course, right?

10 A. Right.

11 Q. And in 110, it appears to be Kethan. Do you know who
12 Kethan is?

13 A. No.

14 Q. Is that some gang sign?

15 A. No.

16 Q. That's written over another larger tattoo, correct?

17 A. Yes.

18 Q. And what does that larger tattoo say?

19 A. It appears to read Dre.

20 Q. Do you know what that is? Are you familiar with
21 that, D-R-E?

22 A. I've been told that it's his nickname.

23 Q. His nickname. All right. That any evidence of any
24 gang membership?

25 A. No.

1 Q. And what about State's Exhibit No. 111, what does
2 that mean? T-N-B is on the front -- is the frontal view on his
3 stomach.

4 A. I can't tell you specifically what that means.

5 Q. Well, have you seen that before on other people that
6 you know are gang members?

7 A. No.

8 Q. Did that raise a red flag to you in any way that he
9 might be a member of a gang?

10 A. It led me to want to do more research on it, but --

11 Q. Well, what'd you find?

12 A. I -- wasn't able to find anything about TNB.

13 Q. Well, I can tell you what -- would it surprise you to
14 know that means trust nobody?

15 MR. REISS: Your Honor, counsel is testifying, and if
16 this will speed us along, we will stipulate that there is no
17 evidence that any of the tattoos on his body were gang related.

18 MS. SCARDINO: Well -- I'm sorry, your Honor. May I
19 just finish 112, since we're here and I'm here?

20 Q. (By Ms. Scardino) Can I have you look at State's
21 Exhibit 112. And can you read what it says here?

22 A. It appears to read HCG and TEX.

23 Q. Okay. That's not exactly what it reads, but we'll do
24 that. Would it surprise you -- does that look like high life,
25 to you? Do you remember looking at his leg?

1 A. Oh, I see the L over here. Yes, it could say high
2 life.

3 Q. And it looks like maybe a marijuana leaf in the
4 middle?

5 A. Yes.

6 Q. Is that any evidence of a gang membership?

7 A. No.

8 Q. So none of these photos really did anything as far as
9 promoting the idea that Seित्रich Buckner is a member of any
10 gang?

11 A. No.

12 MS. SCARDINO: Your Honor, I am objecting to State's
13 Exhibit 109, 110, 111 and 112. They are photographs of tattoos
14 that were taken from my client which I'm contending is a
15 statement. I was given no notice. If they're -- well, I saw
16 the look on your face when I said the word statement.

17 Assume with me, if you would, that maybe there is a
18 blood sign or something on his body that would indicate a gang
19 membership. If there had been, that's a statement. That's
20 saying I'm a member of a gang, and my contention is that I
21 should have been notified. I should have been -- we should
22 have been able to have a hearing in this court as to whether
23 somebody was going to come into this courtroom and testify that
24 my client was or was not a member of a gang.

25 THE COURT: I'll sustain your objection to State's

1 109 through 112.

2 MS. SCARDINO: Thank you.

3 MR. REISS: May I respond, your Honor, with regard
4 specifically to 111, because we're not introducing this for the
5 purpose of a gang. We're introducing this for purpose of a bad
6 act. And specifically I would call your Honor's attention to
7 Lamb V State 186 S.W.3d 136, offense in punishment evidence,
8 tattoos are admissible for showing extraneous bad acts by the
9 defendant during the punishment phase of trial.

10 And at least can I tender to your Honor a copy of
11 State's 111 to take a look at it, because in addition the
12 defense counsel has said that TNB stands for something and it
13 is open as well to a different interpretation.

14 I'm handing your Honor State's Exhibit 111.

15 MS. SCARDINO: Well, I would object to anything else,
16 your Honor. You have ruled. I would -- I would think that
17 that's the end of that without any further argument from the
18 State.

19 THE COURT: All right. Well, I appreciate that. I
20 will entertain -- I did not give him a chance to respond so I
21 will let him respond, of course.

22 MR. REISS: Can I tender this to the Court?

23 THE COURT: You may.

24 MR. REISS: Again, we're tendering 111 as a bad act,
25 not for any gang related activities. In fact, my next question

1 to this witness was going to be after the photos were
2 introduced, did you find any evidence of any gang related
3 tattoos, and it's not. So I would urge that 109 through 112 be
4 admitted for the purposes of a bad act, not for a gang
5 membership.

6 THE COURT: I'm going to maintain my ruling on 109
7 through 112 based on Ms. Scardino's notice argument. I would
8 exclude 109 through 112.

9 MR. REISS: Okay, your Honor.

10 I have no further questions for this witness.

11 THE COURT: Cross-examination?

12 MS. SCARDINO: I have no further questions, your
13 Honor.

14 THE COURT: All right. Call your next.

15 MS. FULLER: The State calls Officer Waters.

16 THE COURT: You may proceed.

17 MS. SCARDINO: Thank you, your Honor.

18 OFFICER M.F. WATERS,
19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. FULLER:

22 Q. Are you the same Officer Waters who testified in this
23 cause last week?

24 A. I am.

25 Q. And you are the same Officer Waters who took an oath