

1                   THE COURT: From the State.

2                   MR. PENEGUY: Judge, prior this  
3 witness testifying, these are several pages of the  
4 photos that had been agreed to on the unsealed  
5 State's Exhibit Number 120 documenting injuries that  
6 were photographed during the sexual assault  
7 examination. May I publish them to the jury by  
8 passing them to them? And then we'll be ready to  
9 redo the -- redact the colposcope photos at a later  
10 time.

11                   THE COURT: It's your witness. If you  
12 want the jury paying attention to your photographs as  
13 opposed to the questions and answers, it's up to you.

14                   MR. PENEGUY: In the interest of time,  
15 I'm going to show them the photographs. If we need  
16 to at a later time, we can pass them again.

17                   THE COURT: Okay.

18                   MARK STAHLIN,  
19 having been first duly sworn, testified as follows:

20                   DIRECT EXAMINATION

21                   BY MR. PENEGUY

22                   Q. Sir, will you introduce yourself to the  
23 jury?

24                   A. Mark Stahlin. I'm a police officer with  
25 the Houston Police Department.

1 Q. Officer Stahlin, how long have you been  
2 with Houston Police Department?

3 A. A little over 8 years.

4 Q. And would you tell us prior to becoming an  
5 officer with Houston Police Department, did you have  
6 to go through the academy?

7 A. Yes.

8 Q. What year?

9 A. I graduated in January of 2006, and it's  
10 about a six-month course.

11 Q. After passing the academy, did you take the  
12 test and become a certified peace officer?

13 A. Yes, sir.

14 Q. Are you currently a certified peace officer  
15 in the State of Texas?

16 A. Yes, sir.

17 Q. Kind of tell the jury briefly what are some  
18 of the assignments you've had in the Houston Police  
19 Department.

20 A. I've worked on patrol. I've been part of a  
21 division tactical unit at a patrol station. Been  
22 part of a city-wide gang task force. And for the  
23 past four and a half years, I've been with the  
24 homicide division.

25 Q. When did you join the homicide division?

1           A.     The fall of 2009.

2           Q.     As a homicide officer, have you  
3 participated in homicide investigations on few or  
4 many occasions?

5           A.     I would say on many occasions.

6           Q.     And you've participated in homicide  
7 investigations that led to arrests?

8           A.     Yes.

9           Q.     Can you tell the jury specifically what  
10 murder squad you were assigned to be working?

11          A.     I was with murder squad 11, which is a day  
12 shift murder squad.

13          Q.     Sometimes are you called out to respond to  
14 calls for service that occur after hours?

15          A.     Yes. We have a call-out rotation.

16          Q.     So if it's your turn on the list, you  
17 basically go, correct?

18          A.     Yes.

19          Q.     I want to talk to you specifically about  
20 the early morning hours of June 8, 2012. Did you  
21 receive a call to go respond to a homicide scene?

22          A.     Yes, sir. I was at home sleeping when my  
23 phone rang, and it was the 24-hour hold desk at the  
24 homicide division calling me and assigning me this  
25 case.

1 Q. Can you tell us: What type of information  
2 do you get from the telephone?

3 A. Typically we get administrative things like  
4 the address, our case number, and then a brief  
5 rundown of what had occurred as told by the patrol  
6 officers to the homicide hold desk.

7 Q. What type of information were you  
8 dispatched to or were you called to respond to?

9 A. We were sent to 5126 Van Fleet which was a  
10 house in southeast Houston. I believe we were told  
11 that there was a dead male inside of the house.  
12 There was two more individuals that had been --  
13 correction. Three more individuals that had been  
14 assaulted, two of whom had been taken to the  
15 hospital.

16 Q. Can you tell the jury approximately what  
17 time you received the call?

18 A. I want to say around 1:30 or so.

19 Q. And that is a.m., correct?

20 A. Yes, sir.

21 Q. Did you respond?

22 A. Yes.

23 Q. Can you tell the jury about what time you  
24 believe you made it to the location?

25 A. Approximately 2:30 a.m.

1 Q. When you got to the location, 5126 Van  
2 Fleet Street, can you kind of tell the jury where  
3 that is located?

4 A. It's down in southeast Houston. The way  
5 the city is broken up for patrol districts and  
6 everything, it's in 14 district, 13 beat -- 30 beat.  
7 I'm sorry. It's a house on a corner. I don't recall  
8 the cross street that it sits on, but it's on the  
9 north side of Van Fleet Street there on the corner.

10 Q. And can you tell the jury the types of  
11 homes located in this area?

12 A. It's a smaller home. A lot of them are  
13 older houses. It's kind of an economically poorer  
14 area of Houston.

15 Q. When you arrived at the location, were you  
16 assigned to work with another homicide officer?

17 A. Yes, my partner, Sergeant Elliott.

18 Q. And had you guys had been partners at that  
19 time?

20 A. Yes.

21 Q. Did you get there first or he get there  
22 first?

23 A. He arrived there a few minutes before I  
24 did.

25 Q. When you arrived were there other police

1 officers present?

2 A. There were some patrol officers present and  
3 then our crime scene officer.

4 Q. Do you recall the name of the crime scene  
5 officer?

6 A. Woody Tompkins.

7 Q. When you got to the scene, kind of what  
8 happened when you first respond to a homicide  
9 location?

10 A. Typically when we get there, I'll meet up  
11 with my partner. We'll meet up with the CSU. They  
12 usually get there before we do, especially on  
13 call-outs because they're 24 hours. Then we'll talk  
14 with the first responding patrol officers, and just  
15 kind of get oriented to what patrol saw when they got  
16 there and then CSU since they typically get there  
17 before we do. They'll kind of fill us in on what  
18 they've seen as far as the scene. And then Sergeant  
19 Elliott and I would typically do like a quick walk  
20 through so we can orient ourselves to it as well.

21 Q. And did you conduct that walk through?

22 A. Yes.

23 Q. When you are first arriving, do you and  
24 Sergeant Elliott have -- do you make a decision as to  
25 who is going to do what at the scene?

1           A.       Yes.  We typically in homicide  
2 investigations, since there is usually a lot of work  
3 that goes into it, we split it up and we call it the  
4 scene side and the witness side.  So, in this case it  
5 was Sergeant Elliott's turn to do the witness side,  
6 which is talking to all the people.  And then the  
7 scene investigator, which was me in this case, works  
8 with the crime scene unit to catalog the evidence and  
9 figure out what's important and what's not important.

10          Q.       Is that kind of how you guys broke things  
11 up on this scene?

12          A.       Yes.

13          Q.       Talk to the jury kind of briefly about what  
14 were going to be your responsibilities in documenting  
15 the scene.  You've already got a crime scene unit  
16 there, so what is kind of your purpose?

17          A.       The crime scene unit is there to take  
18 measurements of where things are in relation to other  
19 things.  My scene description is more of a narrative  
20 maybe of what happened -- as best I can explain it,  
21 what happened around the time of the person's death.  
22 So, I'm not concerned if something is 14 feet and 9  
23 inches, you know, from the corner of the house.  I'm  
24 more concerned with, you know, wow, there's a body  
25 there and it looks like there's been a really

1 terrible fight and how can I describe that fight?

2 Q. Take us through you making entry into the  
3 scene on Van Fleet Street.

4 A. When we pulled up, you know the first  
5 thing -- the doors were open. There was a set of  
6 burglar bars that were opened outward and then the  
7 front door opened inward. And immediately looking at  
8 the front door I could tell that there was some blood  
9 on it. Stepping through the doorway into the living  
10 room, it looked like a tornado had gone through.  
11 Nothing really was in its place. I mean, the sofa  
12 was standing up on end like this. There was blood on  
13 the walls, blood on the carpet. The complainant,  
14 Baron Armstrong, was laying on the floor. And there  
15 was just all kind of objects from the house that are  
16 on top of him. There's objects around him that are  
17 bloody. There's blood on the walls. There's some  
18 blood on the ceiling. It was --

19 Q. The whole living room, but generally did it  
20 appear that the room was in a state of disarray?

21 A. Oh, yes.

22 Q. Was there lots of blood as to this process  
23 at the scene?

24 A. Yes.

25 Q. When you were kind of getting your initial

1 talk, who did you talk to to kind of get an  
2 understanding of what might or might not be relevant  
3 for your investigation?

4 A. Usually the scene investigator and the CSU  
5 start going through and we can pretty much, you know,  
6 tell what is going to be important. And then while  
7 Sergeant Elliott is talking to the witnesses, he  
8 might learn some additional things and periodically  
9 come in, meet with me, talk about the witness said  
10 this. You know that might be important. And it  
11 might have been something that we overlooked or had  
12 already noticed was important. So, it's just find of  
13 an ongoing process. As he learns things from the  
14 people, you know. The scene investigator's going  
15 through and looking at it what, you know, what he  
16 thinks is important.

17 Q. When you're conducting that, did you try to  
18 get some information from patrol officers?

19 A. Yes.

20 Q. And first responding officers? What?

21 A. Yes.

22 Q. When you were at the scene, was there any  
23 emergency that required an ambulance or paramedics at  
24 the scene?

25 A. I don't recall. I would think they had

1 already been transported prior to my arrival, but I  
2 can't remember.

3 Q. Do you remember whether or not there was a  
4 female present?

5 A. Yes. There was two people that had been  
6 transported because their injuries were apparent, a  
7 male and a female. There was another woman that been  
8 in the house at the time that had been sitting inside  
9 of a police car waiting to speak with us.

10 Q. And why was she sitting inside a police  
11 car?

12 A. Typically they do that --

13 MR. SCOTT: If it please the Court, it  
14 would call for conjecture on the part of this  
15 officer, speculation. We object to the form of the  
16 question, Judge.

17 THE COURT: I think you can restate  
18 the question.

19 Q. (MR. PENEГУY) When you're conducting a  
20 homicide investigation, is it common sometimes to  
21 separate witnesses and put them in vehicles?

22 A. Yes.

23 Q. Why would you put someone in -- why would  
24 someone generally be put in a patrol car?

25 A. To keep them from talking to other people

1 about what they had seen and to kind of keep what  
2 information they have uncontaminated from cross talk  
3 or anything like that.

4 Q. So when you arrived at the location, was  
5 there a witness secured in a patrol car?

6 A. Yes.

7 Q. Who was that?

8 A. That was Patricia Moore.

9 Q. And was she -- did you meet her?

10 A. I did not speak with her that night.  
11 Sergeant Elliott, again, was doing the witness side.  
12 So he spoke with her.

13 Q. When Sergeant Elliott would get information  
14 from a witness, would he do his best to try to share  
15 that with you?

16 A. Yes.

17 Q. I'd like to just talk through the scene and  
18 the investigation specifically in regards to the  
19 location of blood type evidence.

20 A. Yes.

21 Q. This has been marked and admitted as  
22 State's Exhibit Number 9 in the top corner, State's  
23 Exhibit Number 9?

24 A. Okay.

25 Q. Are you familiar with this diagram?

1 A. Yes.

2 Q. Prior to testifying today, have you had an  
3 opportunity to review the diagram in regards to your  
4 report?

5 A. Yes.

6 Q. And had the opportunity to review your  
7 diagram in regard to the evidence from the scene?

8 A. Yes.

9 Q. Can you see this from where you are?

10 A. Yes.

11 Q. Were you working with the crime scene  
12 officer, Tompkins, as he was documenting the scene?

13 A. Yes.

14 Q. Did you help him -- how do you assist him  
15 on a scene like this?

16 A. So like in this case, Item Number 1, some  
17 wooden chair legs, they were bloody at the time.  
18 Like a lot of other things, I felt that they might  
19 have been used to strike the complainant at some  
20 point. So I said, Let's collect those. And then  
21 Officer Tompkins makes a point to take photographs of  
22 the marked items, you know, big picture photographs  
23 and then small photographs to get the detail on it.  
24 There was a lot of blood. There was a lot of bloody  
25 stuff in that house. So what we tried to do was

1 focus on the things that we thought might have been  
2 used as weapons that led to the complainant's death.

3 So, for example, if you look back at  
4 the crime scene photographs, there is like  
5 a bloody --

6 MR. SCOTT: If it please the Court, we  
7 would appreciate question and answer as opposed to  
8 narrative.

9 THE COURT: Overruled.

10 Q. (MR. PENEГУY) We're trying. How are you  
11 assisting in identifying what are relevant items?

12 A. In this case it was kind of like looking  
13 through and saying, hmm, this guy was beaten. So  
14 let's look at the possible clubs that could have been  
15 used to beat him. So wooden chair legs, metal table  
16 legs, stuff like that. What we don't necessarily  
17 think is important would be like a bloody blanket in  
18 the corner or, you know, identifying every single  
19 individual blood drop on the wall or anything like  
20 that. Because we can take photographs of it, but  
21 it's almost -- in a case like this there is too much  
22 blood evidence to really do anything with.

23 Q. Okay. In regard to this scene, you know,  
24 was it -- was the blood evidence in this scene, was  
25 there an overwhelming amount of blood evidence?

1           A.       Yes.  There was an overwhelming amount of  
2 blood evidence and there was an overwhelming amount  
3 of disorder within the scene.

4           Q.       And did some of that disorder seem that --  
5 I mean, did it appear to you that it was recent  
6 disorder or was it that the house itself normally  
7 stayed messy?

8           A.       People cannot live like how the living room  
9 was.  No matter how big of a slob you might be, you  
10 can't live like that house was.

11          Q.       When you were processing the living room,  
12 specifically in regards to the items, did you make  
13 efforts to make sure that all of the items that you  
14 perceived to be blunt instruments were tagged and  
15 marked for purposes of evidence and testimony?

16          A.       Yes, if they were blunt and had blood on  
17 them.

18          Q.       Some of the items that had been tagged for  
19 purposes in this case appear to have blood droplets.  
20 Other items appear to have other type of blood.  Can  
21 you describe kind of generally the different types of  
22 blood evidence you recovered or that you observed on  
23 some of these items?

24          A.       So like the blood smear -- can I point to  
25 what I'm talking about?

1                   MR. PENEГУY: Judge, can the witness  
2 come down?

3                   THE COURT: You may step down.

4           Q.       (MR. PENEГУY) What items -- let's -- these  
5 are items, State's 96 through 100, that have been  
6 testified -- and these are admitted into evidence --  
7 as coming from what is listed in the diagram with  
8 Marker Number 1?

9           A.       Okay.

10          Q.       Can you tell the jury what you remember  
11 about this collection of objects that were delineated  
12 with Marker Number 1?

13          A.       Okay. Clearly they are very bloody and  
14 that's a combination of -- this right here, I would  
15 probably say would be.

16          Q.       Which item is that?

17          A.       This is 98.

18          Q.       Okay. Is that State's Exhibit Number 98?

19          A.       All right. So here you can see looks like  
20 from a feathering and stuff like this, that this  
21 might have rolled through some blood or moved through  
22 a blood puddle. The same with this. Now, that blood  
23 puddle could have been on the floor or it could have  
24 been on the complainant as the result of an already  
25 existing wound. So, like if somebody is hitting

1 somebody with it. There's no blood. You keep  
2 hitting them with it and you get more blood and more  
3 blood on it and more blood on it. It's like a pool  
4 of water, other blood drops go all over the place and  
5 hit the walls and stuff like that.

6 Q. Now, when you're talking about an object  
7 being used to continually strike a bloody surface,  
8 have you examined scenes before where there is blood  
9 spatter?

10 A. Uh-huh.

11 Q. Is that a yes?

12 A. Yes, I have.

13 Q. What do we mean when we're describing blood  
14 spatter?

15 A. Blood spatter is more like -- like if your  
16 hand hits a vertical surface like that. It's more  
17 like a spherical drop. So this is more of a line.  
18 105. So something like that. Okay? So that -- I'm  
19 not an expert. I'm kind of familiar with this, but  
20 somehow this got in a position to where a pool of  
21 blood was hit and it caused drops to go onto it.

22 Q. Now let's talk just briefly about when  
23 you're talking about an object being used to  
24 continually strike. What would be a preexisting  
25 bloody surface or a pool of blood? Are there

1 sometimes other types of what we call castoff?

2 A. Yes.

3 Q. What is castoff blood?

4 MR. SCOTT: If it please the Court, I  
5 need to object. I don't believe that he's qualified  
6 to testify to these things. He's already  
7 disqualified himself as an expert in blood spatter  
8 and this type of testimony. So, I would object, your  
9 Honor.

10 THE COURT: That's sustained.

11 Q. (BY MR. PENEГУY) In regards to --

12 MR. PENEГУY: Well, Judge, can I prove  
13 up the predicate on castoff blood, just in theory  
14 what it is, if he knows.

15 MR. SCOTT: I would renew my  
16 objection, your Honor.

17 THE COURT: I think he can testify as  
18 to what the castoff blood is, but as far as going  
19 into any of the details as to what castoff was or  
20 not, I will continue to sustain the objection.

21 Q. (MR. PENEГУY) My question is specifically:  
22 Do you know what the term castoff blood is in  
23 reference to?

24 A. Yes.

25 Q. What?

1           A.       If an object has blood on it and it's  
2 raised back, you can see the trail go up and the  
3 trail go down.

4           Q.       In regards to items 96 through 100 in this  
5 case from Number 1, were those tagged at your  
6 request?

7           A.       Yes.

8           Q.       And were they collected as evidence at your  
9 request?

10          A.       Yes.

11          Q.       Is that because of the blood evidence  
12 contained on them?

13          A.       Yes.

14          Q.       In regards to the items that are marked, I  
15 believe there are 101 through 106, they were a series  
16 of wooden objects found at Marker Number 2. Are you  
17 familiar with that?

18          A.       Yes.

19          Q.       Can you tell us where they were in  
20 reference to where the decedent was?

21          A.       They were east of his head, close to his  
22 body, and within a couple feet.

23          Q.       And these items, were they also -- did they  
24 also appear to be items from a chair?

25          A.       Yes.

1 Q. Was there evidence that they appeared to be  
2 broken off items from a chair?

3 A. Yes.

4 Q. Were there blood items found on these?

5 A. Yes.

6 Q. Which ones specifically?

7 A. Well, this one. Blood here.

8 Q. That is Item Number?

9 A. Oh. 10.

10 Q. This is 104? Okay.

11 A. Blood. 103, that's blood. 102, there is a  
12 little bit of blood. And 101, more blood.

13 Q. In reference to the scene as it was being  
14 processed, these items, did they match with other  
15 types of furniture? The color of the furniture, did  
16 it match with other types of furniture of similar  
17 color?

18 A. Yeah. They looked like they belonged to  
19 what used to be a couple of chairs.

20 Q. Was there also a table in the living room?

21 A. Yeah.

22 Q. These items found throughout the house, did  
23 they appear to be resting naturally or, you know, had  
24 they been -- was there any evidence that they had  
25 been moved?

1           A.       Yeah.  I mean, obviously the chair legs are  
2 all shattered and then that wooden table was laying  
3 on its side.

4           Q.       In regards to what was marked with Item  
5 Number 3, which was a metal flower stand, was that  
6 also tagged because of what was suspected to be blood  
7 evidence?

8           A.       Yes.  I think it might have been tagged  
9 to -- basically, because of the proximity to the  
10 body.  Looked like it may have been used at some  
11 point to hit the complainant with it.

12          Q.       In regards to what is a stereo system which  
13 is State -- I believe it's on the bottom.

14          A.       It's 4.

15          Q.       Marker 4, State's Exhibit Number 108, can  
16 you tell us how that was laying on the victim's body?

17          A.       Yeah.  I believe it was laying on top of  
18 the body and there were some speakers attached to it  
19 and they were off to the side.

20          Q.       Was it resting on him?

21          A.       Yes.

22          Q.       The other items, some of the metal items  
23 that were tagged as evidence in the case, were you  
24 guys able to track what you believed these items had  
25 originated as?

1           A.       Yeah.  The metal item -- we kind of looked  
2 around and concluded that there was the legs of what  
3 used to be like a table.

4           Q.       Okay.  And were there -- were they cast  
5 around the living room?

6           A.       Yeah.  There were some very close to the  
7 body and there was a couple others that were a little  
8 further away from the body.

9           Q.       Was there blood evidence on State's Exhibit  
10 Number 109?

11          A.       109, yes.  That's blood on it.  This is  
12 112.  Also blood, and 113 also blood.

13          Q.       I want to specifically address your  
14 attention to these items.  Can you pick one of those  
15 up?

16          A.       Uh-huh.

17          Q.       The surface on that, are there distinctive  
18 corners on that object that might leave markings?

19          A.       Yes.

20          Q.       And sometimes, based upon your training and  
21 experience when you are witnessing things, are there  
22 blunt objects that come into contact with a body that  
23 leave certain type of injuries?

24          A.       Yes.

25          Q.       What types?

1           A.       Something like this would leave pretty  
2 large lacerations that would have broken the skin.

3           Q.       All of these items, are they blunt objects?

4           A.       Yes.

5           Q.       And are blunt objects capable of causing  
6 serious bodily injury?

7           A.       Yes.

8           Q.       Are blunt objects capable of causing death?

9           A.       Yes.

10          Q.       Can you tell the jury what you remember  
11 about the chair seat at the top that is exhibited  
12 here.

13          A.       This was found in a back bedroom.

14          Q.       Was that a separate scene from the scene of  
15 the decedent?

16          A.       Yes.

17          Q.       Okay. Was there evidence to support that  
18 there might have been something that happened in that  
19 room as well?

20          A.       Yes, it looked like an assault could have  
21 occurred there as well. There was blood there as  
22 well.

23          Q.       In regards to the chair, is a chair a blunt  
24 object?

25          A.       Yes.

1 Q. Also capable of causing serious bodily  
2 injury or death?

3 A. Yes.

4 Q. During the time that you were at the crime  
5 scene, did you have the opportunity to document in  
6 your report a detailed description of where blood  
7 was, where blood evidence was located on the walls of  
8 the house?

9 A. Yes.

10 Q. And did you also document where blood was  
11 on objects throughout the house?

12 A. Yes.

13 Q. Can you tell the jury specifically in  
14 reference to the front door of the residence at 5126  
15 Van Fleet Street were you able to document the  
16 presence of blood?

17 A. On the front door. So the door opens  
18 inward. So on the exterior of the front door there  
19 were blood drops on it.

20 Q. Okay. What does that indicate to you?

21 A. That the front door was open when the  
22 assault was occurring.

23 Q. Did you guys document that blood evidence?

24 A. Yes.

25 Q. And did you have -- were there photographs

1 that were taken of it?

2 A. Yes.

3 Q. Showing you what has been admitted into  
4 evidence State's Exhibit Number 74. Now, just for  
5 reference purposes, this is State's Exhibit  
6 Number 16.

7 A. Okay.

8 Q. Can you describe the type of door that was  
9 at the residence?

10 A. I mean, it's a pretty standard white wooden  
11 front door. It's solid, not one of those hollow core  
12 interior doors.

13 Q. Was the door and the lock to the doors,  
14 were they relevant in your investigation?

15 A. Yes.

16 Q. When we're looking at State's Exhibit  
17 Number 74, is that the open -- the open door from  
18 inside of the living room?

19 A. Yes.

20 Q. And do you guys attempt to make certain  
21 markings on the door?

22 A. Yeah. It's pretty standard for the CSU  
23 when we're taking pictures of small things like blood  
24 evidence to circle them to kind of highlight them.

25 MR. PENEGUY: Judge, this doesn't

1 appear well on the -- may I publish it to the jury?

2 THE COURT: Yes.

3 (Exhibit published.)

4 Q. (MR. PENEKUY) Was there also an indication  
5 of blood evidence on the exterior part of the door,  
6 not the solid white part but the screen -- or I guess  
7 the storm door where the burglar bars are?

8 A. I don't recall seeing any on it. I mean,  
9 it would have been difficult to see, but I don't  
10 recall seeing any.

11 Q. Did you guys look at the lock, the locking  
12 mechanism on the front door and burglar bars?

13 A. Yes.

14 MR. PENEKUY: Approach the witness?

15 THE COURT: You may.

16 Q. (MR. PENEKUY) I'm passing around the photo  
17 of the door. But this is State's Exhibit Number 21.

18 A. Okay.

19 Q. Can you kind of describe how the burglar  
20 bars on that house worked?

21 A. It's a keyed deadbolt. So, you have to  
22 have the key in it to turn the deadbolt, to unlock  
23 the door.

24 Q. Was there any other locking mechanism that  
25 you located on that burglar bar door or found on that

1 door?

2 A. No.

3 Q. So, in order to secure that door, you would  
4 have to actually need a key; is that correct?

5 A. Yes.

6 Q. State's Exhibit Number 16 I think shows it.  
7 When you guys were out there at the scene, is it  
8 common for you to kind of like prop open the door?

9 A. Yeah.

10 Q. And did you guys prop open the screen door  
11 in this case?

12 A. I did not. Patrol may have. I don't know.

13 Q. Okay. When you're looking at the screen  
14 door and when you're examining the locks, did it kind  
15 of look like a common storm door?

16 A. Yes.

17 Q. And it had burglar bars that were kind of  
18 assembled with it; is that correct? Or somehow next  
19 to it?

20 A. Yeah. It looked like they opened in  
21 conjunction with one another. I don't remember if  
22 they were attached or not.

23 Q. Okay. And is that State's 118?

24 A. Yes.

25 Q. Now, was there a locking mechanism on --

1 you said the burglar bar door.

2 A. Uh-huh.

3 Q. Was there a separate locking mechanism that  
4 required a key on the screen door?

5 A. Not that I remember. And had there been, I  
6 don't think it would have been too difficult to  
7 break. It's a screen door.

8 Q. When you guys look at houses for homicides  
9 like this, do you check the doorjambs of the house?

10 A. Yes.

11 Q. Was there any evidence of any kind of,  
12 like, forced entry?

13 A. No.

14 Q. Was there any damaged outside of the --

15 A. No. It didn't look like anybody had kicked  
16 the door in or anything like that.

17 Q. During the course of your investigation are  
18 the issues of the keys becoming relevant?

19 A. Yeah.

20 Q. Is that from your investigation?

21 A. Yes.

22 Q. To your knowledge, was there a way to lock  
23 the burglar bar or the screen without a key?

24 A. Not to my knowledge, no.

25 Q. And the front door of the house, did it

1 have evidence that it appeared to be open at the time  
2 of this incident?

3 A. Based on the presence of the blood there on  
4 the exterior of it, yeah.

5 Q. During the time that you're doing the rest  
6 of the investigation, is there also blood evidence  
7 that is kind of documented throughout the living  
8 room?

9 A. Yes.

10 Q. Is there evidence of blood collecting on  
11 the ground?

12 A. Yes.

13 Q. Is there a subsequent -- 75. What is 75 an  
14 image of?

15 A. That is as you're looking out the front  
16 door. The blood here, that would be like the  
17 doorjamb and more blood here on the wall and a window  
18 AC unit in the front window.

19 Q. Does that show the doorjamb?

20 A. Yes.

21 Q. Any damage to the doorjamb?

22 A. No.

23 Q. In regards to the processing of the scene,  
24 if a body -- in your experience as a homicide  
25 officer, if a decedent or body is determined -- is

1 dead on arrival, do EMS personnel and you come in and  
2 move the body?

3 A. No.

4 Q. Why not?

5 A. To preserve evidence.

6 Q. When you were examining this scene, was it  
7 consistent with your understanding that the body lay  
8 as it was laying?

9 A. Yes.

10 Q. And were you able to look at the  
11 positioning of the victim's body during your  
12 investigation?

13 A. Yes.

14 Q. I've got photographs that I want you to  
15 look at. They are State's 36 through 37.

16 A. Okay.

17 Q. I want you to describe the decedent, the  
18 legs as they were positioned when you guys did your  
19 investigation.

20 A. He's kind of laying face down, but he's  
21 angled at the waist a little bit and his knees are  
22 slightly bent.

23 Q. Is it an awkward position?

24 A. Yes. It looks uncomfortable.

25 Q. His feet are -- is one of them resting on

1 the other one?

2 A. Yes.

3 Q. In regard to his waist, can you describe  
4 for the record the way his waist was turned?

5 A. Again, he's laying face down, but he's kind  
6 of cocked at the hips.

7 Q. Okay. And were there -- can you describe  
8 how his arms appeared?

9 A. His right arm is back like this, and then  
10 his left arm is straight down along the side of his  
11 body.

12 Q. Were there objects resting on top of his  
13 arms?

14 A. Yes.

15 Q. And is one of those, State's 108, the  
16 stereo.

17 A. Yes.

18 Q. And the other object on his right?

19 A. It's a cushion from the couch.

20 Q. The injuries to his head, are those shown  
21 in State's 137 -- to the back of his head, I mean?

22 A. Yes.

23 MR. SCOTT: Approach, your Honor?

24 (Discussion at the bench, off the  
25 record.)

1                   THE COURT: We'll take a five-minute  
2 break, ladies and gentlemen.

3                   (Jury leaves courtroom.)

4                   (Recess taken.)

5                   THE COURT: Ready.

6                   (Jury enters courtroom.)

7                   THE COURT: Please be seated. Let's  
8 continue.

9           Q.       (MR. PENEGUY) So we were talking about the  
10 positioning of the body. And did you have an  
11 opportunity -- were you present when the body was  
12 finally moved?

13           A.       Yes.

14           Q.       What is the process by which that happens?

15           A.       We as police don't touch the body. The  
16 body is property of the Harris County Institute of  
17 Forensic Science. So what they do is send out their  
18 own investigators. They are focusing strictly  
19 100 percent on the body. Once they get there, they  
20 will go through the complainant's pockets, remove the  
21 property, things like that. And like in this case,  
22 where there is some wounds apparent on his back, they  
23 also want to roll him so we can see what happened to  
24 the front of the body as well. Once they are done  
25 processing it, they will take him down to the morgue.

1 Q. When you conducted -- when that happened,  
2 did you have an opportunity to view some of the  
3 apparent injuries?

4 A. Yes.

5 Q. What do we mean by apparent injuries?

6 A. On the back of the head it looked like  
7 there were some lacerations to it, but when you  
8 rolled the body over it was pretty apparent that the  
9 skull was greatly mis-shapened. I mean, it almost  
10 looked like a football. And then the entire middle  
11 of his face, so his mouth and everything else, was  
12 just completely lacerated and mashed in.

13 Q. Did you have the opportunity to examine the  
14 rest of his body?

15 A. Yes.

16 Q. And were you looking for other apparent  
17 injuries?

18 A. Yeah. In a case like this, you know, we're  
19 looking to see if he had any defensive wounds. So  
20 like if somebody is coming at you with a knife or  
21 something, you will raise your hands like that and  
22 you might get some minor cuts on your forearms or  
23 your wrists. We didn't see any of those. If you're  
24 kind of the aggressor in things and you punch  
25 somebody, you know, that will leave a mark on your

1 hand, skin your knuckles. I didn't really see any of  
2 those type of injuries either.

3 Q. So did you look on his arms and forearms  
4 for defensive injuries?

5 A. Yes.

6 Q. At that point in time are you the one  
7 that's touching the body?

8 A. No, I'm not, but the medical examiner  
9 investigators are looking for the same things that we  
10 are.

11 Q. The medical examiner investigators, they  
12 are the ones who put the victim into the body bag; is  
13 that correct?

14 A. Yes.

15 Q. You didn't see any defensive injuries. Did  
16 you see anything on his -- outside of his hands that  
17 might be like bruising or scraping consistent with an  
18 offensive injury?

19 A. No.

20 Q. Were you there when the complainant's body  
21 was -- when the victim was placed inside of the body  
22 bag?

23 A. Yes.

24 Q. Are you kind of a spectator, an observer at  
25 that point?

1           A.       For the most part.    The medical  
2 investigator is asking us kind of what happened, and  
3 then we're like -- we're asking them, hey, let's look  
4 for, you know -- say in a stabbing, we might ask them  
5 to count the number of wounds, for example.   But for  
6 the most part, yeah, I'm a spectator.

7           Q.       The living room, after it was processed,  
8 did you also have the opportunity to examine the rest  
9 of the residence and the adjoining rooms?

10          A.       Yes.

11          Q.       There has been some talk about the chair  
12 already with your testimony.   Was it located in a  
13 bedroom off of that hallway?

14          A.       Yes.

15          Q.       Is it marked on the diagram in State's  
16 Exhibit Number 8?

17          A.       Yes.

18          Q.       Okay.   When you were conducting that part  
19 of the investigation, was there blood evidence  
20 located in that bedroom?

21          A.       Yes.

22          Q.       Where?

23          A.       Along the eastern wall and then along the  
24 southern wall above the bed.

25          Q.       And did that look like a separate scene

1 from what happened in the living room?

2 A. Yes. Had there just been a bloody chair  
3 there, it might not necessarily. The chair could  
4 have been moved after the fact or at some point  
5 during the fight, but the presence of the blood on  
6 the walls would lead me to believe that someone was  
7 assaulted there.

8 Q. In regard to kind of that part of the  
9 house, was there also a bedroom off the hallway to  
10 the north which is toward the front of the house?

11 A. Yes.

12 Q. Okay. And did you search that bedroom?

13 A. Yes.

14 Q. Okay. Were you able to identify who you  
15 believed resided in that bedroom?

16 A. Baron Keith Armstrong, the complainant.

17 Q. And what was that based on?

18 A. I believe we recovered his wallet there or  
19 some other papers.

20 Q. Were there also bedrooms to the south of  
21 the main living room that were off a separate exit  
22 from the living room?

23 A. Yes.

24 Q. Kind of describe the rooms in that area.

25 A. It was pretty much just like one kind of

1 open room with a bathroom.

2 Q. With these rooms were there always doors?

3 A. No.

4 Q. Sometimes --

5 A. A curtain for privacy.

6 Q. Did you have an opportunity to inspect  
7 those rooms?

8 A. Yes.

9 Q. During the course of your investigation,  
10 were you made aware of an allegation of sexual  
11 assault?

12 A. Yes, I was.

13 Q. And did you have a basic understanding of  
14 where you believed that sexual assault had occurred?

15 A. In that back portion of the house.

16 Q. Did you and Officer Tompkins look for  
17 something that might be evidence of a sexual assault?

18 A. Yes.

19 Q. What were you looking for?

20 A. I mean, semen, obviously. But you know,  
21 you're also looking for signs of a struggle, a fight  
22 like what had occurred in the living room. The back  
23 bedroom area was a lot tidier than the front.

24 Q. Okay. So it didn't look like there had  
25 been the type of struggling that there had been in

1 the living room?

2 A. No.

3 Q. Is that fair?

4 A. That's fair, yes.

5 Q. Can you describe the general order of the  
6 back part of the area?

7 A. If I recall, as you step through the  
8 doorway, there's kind of an open area that goes back  
9 to the east where there is a bed and a mattress and  
10 then there is a bathroom off of that.

11 Q. Okay. And when you were looking for  
12 evidence of a sexual assault, did you locate any  
13 semen?

14 A. No.

15 Q. About how long had passed from the time  
16 that the alleged incident had occurred and the time  
17 that you guys were doing that part of the  
18 investigation?

19 A. Patrol was called out around 12:30. So,  
20 midnight, a little after midnight. Myself and  
21 Sergeant Elliott didn't arrive out there until around  
22 2:30. So, that's two hours that passed, but probably  
23 at least an hour into processing it before I learned,  
24 you know, where exactly the sexual assault had  
25 occurred. So, that's three hours.

1 Q. Okay. Were you surprised that you weren't  
2 able to locate any direct evidence of a sexual  
3 assault there?

4 A. No. I mean, we're looking at dirty carpet.

5 Q. I'm going to show you State's Exhibit  
6 Number 54, 55, 56, 57, 59.

7 A. Okay.

8 Q. Do these kind of match what you recall that  
9 back area of the house looking like?

10 A. Yeah.

11 Q. Were there some personal items that had  
12 been found there?

13 A. Yes.

14 Q. Did it look or did it appear to you that  
15 somebody was living there or not?

16 A. It looked like someone was living there.

17 Q. State's Exhibit Number 65 and 66, are those  
18 also photographs as well --

19 A. Yes.

20 Q. -- of the back portion?

21 A. You can see the bed is made.

22 Q. Did you examine that bathroom in the back  
23 kind of grouping of rooms?

24 A. Yes.

25 Q. Do you remember any damage to the door?

1           A.     No, I don't. The only thing I remember  
2 that was odd about the bathroom was that the sink was  
3 running. The water was on in the sink.

4           Q.     But you didn't see anything that looked or  
5 anything that showed that the door was broke in or --

6           A.     No.

7           Q.     If you would have, would you have  
8 documented it?

9           A.     Yes.

10          Q.     This house, was it an older house?

11          A.     Yes.

12          Q.     The -- there were a lot of doors missing.  
13 Did everything appear to be in good working order or  
14 was it kind of falling apart?

15          A.     You know, the trim was definitely -- was  
16 not there. It was standing up, but, I mean, I  
17 wouldn't consider it a well-cared for structure.

18          Q.     Did you remember checking the lock on that  
19 bathroom door or not?

20          A.     I don't remember checking to see if it  
21 worked, no. Based on my experience, when a door is  
22 forced open it's pretty obvious. There's going to be  
23 splintering of the wood, and we did not see that and  
24 had we seen it, we would have documented it.

25          Q.     Did the back bedroom -- did you have

1 Officer Tompkins document it as best he could?

2 A. Yes. And we were primarily focused where  
3 the dead body was. You know, if it's sexual assault  
4 that occurred in the back bedroom -- we went back.  
5 We looked at evidence. We did not find my evidence  
6 of sexual assault. We didn't find any semen. We  
7 didn't find any obvious signs that a fight had  
8 occurred there because we didn't recover any evidence  
9 from there. We photographed it and went back to the  
10 primary scene.

11 Q. Was there a separate residence that you  
12 also kind of looked at on the same street?

13 A. Yes.

14 Q. What was that?

15 A. A couple of houses down, one of the women  
16 that had been in that house had run away and sought  
17 help from the people inside that house.

18 Q. Was there any blood evidence out in that  
19 driveway, the entrance area?

20 A. Yeah.

21 Q. And can you describe it?

22 A. It had rained that night so -- but there  
23 was a covered portion up by these people's front  
24 door. They had like a carport by their front door.  
25 And in the covered portion, there was a pool of blood

1 and I marked it's coming away from that pool back  
2 towards the street.

3 Q. I forgot to ask you. When we're talking  
4 about the back bedroom, was there any blood evidence  
5 back there?

6 A. There was a little bit on the doorway  
7 leading to the back portion of that house, like a  
8 transfer, kind of like somebody had blood on them and  
9 brushed against.

10 Q. Against what?

11 A. The doorjamb.

12 Q. Was there any kind of like -- talking about  
13 the blood in the bedroom, was there any blood on the  
14 bedroom lock?

15 A. Nothing like that, no.

16 Q. Did you have the CSU try to collect  
17 evidence and process that location at 5118 Van Fleet  
18 Street?

19 A. Yes.

20 Q. Were you present for that?

21 A. Yes, I was.

22 Q. Through the whole course of the  
23 investigation, you know -- we had talked and I had  
24 passed State's Exhibit Number 74 to the jurors and  
25 that was showing the door?

1           A.     Yes.

2           Q.     I forgot to ask you.  You guys had circled  
3 some spot on that door.  Was that you and Officer  
4 Tompkins?

5           A.     Yes.

6           Q.     Can you tell me anything about the doorjamb  
7 between this door here and the storm door or kind of  
8 like the screen door?

9           A.     There is blood on the doorjamb there that  
10 is the same as the blood on the door.

11          Q.     Okay.  I'm going to put this on the  
12 overhead.  It's kind of hard to see, but I'm going to  
13 ask if you will look at the screen on your right to  
14 kind of identify that area.  Okay.

15          A.     So you can see these blood drops here that  
16 are circled and there are some that aren't --

17          Q.     If you touch the screen with your finger,  
18 it should make a marking.

19          A.     Okay.  You can see here that they are  
20 circled like this, but then there's other ones that  
21 are circled like that one.  And then you can see down  
22 here along the doorjamb, door frame, there is more  
23 blood there as well that's not circled.  There was so  
24 much blood in that house that it was almost like you  
25 reach a point of diminishing returns to circle every

1 single drop of blood that's present.

2 Q. They are kind of in line with the hinges  
3 where the burglar bar doors fit the door, right?

4 A. Yes, they are.

5 Q. I mean, you talk about blood. Was there  
6 blood on the ceiling?

7 A. Yes.

8 Q. Was there blood on the TV?

9 A. Yes.

10 Q. Was there blood on the carpet?

11 A. Yes.

12 Q. And during the course of your  
13 investigation, we had talked about some keys.

14 A. Uh-huh.

15 Q. Did you guys make a diligent effort to try  
16 to locate keys?

17 A. Yes, we did. We found them in the  
18 complainant's bedroom.

19 Q. Was it like a ring of keys?

20 A. It was a car key and then I believe a  
21 couple of other keys that went to the house.

22 Q. Did you guys keep those and package those  
23 as evidence? What did you do with that?

24 A. We gave them to the family so that they  
25 could lock up the house.

1 Q. And was there anything about the car in  
2 particular in your investigation?

3 A. Through the course of the investigation, we  
4 had learned that the disturbance kind of started  
5 because the complainant had lost his keys.

6 Q. Did you guys process the vehicle?

7 A. No. It wasn't part of the scene.

8 Q. How long did it take to process the scene?

9 A. Several hours. When I left it was light.

10 Q. So from like 2:00 o'clock to when it was  
11 light outside?

12 A. I would say probably 7:00 or 8:00.

13 Q. Once you guys finished processing the  
14 scene, do you basically try to get it secure? What  
15 is the process there?

16 A. Yes. Once we're done with the scene, we  
17 don't want to just leave it open to whoever in the  
18 neighborhood wants to stop by and take a look. So,  
19 we try to locate a family member and turn the  
20 property over to them so that they can lock it, clean  
21 up if that's what they want to do.

22 Q. During the investigation did you guys make  
23 any effort to locate any type of firearms evidence?

24 A. Yes.

25 Q. What did you find?

1           A.       I found a toy pistol in the back bedroom  
2 where the bloody wooden chair was recovered.

3           Q.       And is that what is shown on the exhibit  
4 board, the bedroom with the Number 8 on it?

5           A.       Yes.

6           Q.       Okay.  And by toy pistol, what are you  
7 talking about?

8           A.       It's a black plastic pistol that looks  
9 real, like an airsoft pistol.

10          Q.       I'm going to show you what has been  
11 admitted into evidence already as State's Exhibit  
12 Number 116.  Is that what the item that you're  
13 talking about looks like?

14          A.       Yes.

15          Q.       Do you recall where this item was?

16          A.       I do not specifically recall where it was  
17 located in the bedroom.  I just remember that's where  
18 I found it.

19          Q.       Would you classify that as a firearm?

20          A.       No.

21          Q.       Did you look for a real gun?

22          A.       Yes.

23          Q.       Where did you look?

24          A.       Throughout the entire house.

25          Q.       Did you guys turn everything around in that

1 living room?

2 A. I mean, it was already pretty well turned  
3 around. We looked through the living room. We  
4 looked through all the bedrooms. We looked under  
5 mattresses. We looked under beds. We looked in  
6 closets. We looked in dresser drawers. We looked in  
7 boxes. We looked in the kitchen.

8 Q. Did you find anything that would be  
9 consistent with, like, ballistics type evidence like  
10 any rounds of ammunition?

11 A. We didn't find any ammunition. We didn't  
12 find any like pistol case that something would be  
13 kept in. We didn't find any trigger lock. Nothing  
14 that would indicate that there was a real gun present  
15 in the house.

16 Q. Pursuant to your investigation, sometimes  
17 were you one of the case agents on this case? Were  
18 you one of the assigned case agents on this case?

19 A. On this case?

20 Q. Yeah.

21 A. Yeah.

22 Q. You and whom?

23 A. Sergeant Elliott.

24 Q. During the course and preparation for the  
25 case to go to trial, did you obtain a warrant for

1 this case?

2 A. Yes.

3 MR. PENEGUY: Judge, may I approach  
4 the witness?

5 THE COURT: You may.

6 Q. (MR. PENEGUY) I'm showing you what has been  
7 marked for identification purposes as State's Exhibit  
8 Number 169. Are you familiar with this item?

9 A. Yes.

10 Q. Okay. And are you familiar with the  
11 accompanying affidavit as well?

12 A. Yes.

13 Q. Is this a document that you executed?

14 A. Yes, it is.

15 Q. Okay. Is it a fair and accurate copy?

16 A. Yes.

17 MR. PENEGUY: Judge, at this time we  
18 offer State's Exhibit Number 169, the warrant.

19 MR. SCOTT: We have no objection.

20 THE COURT: 169?

21 MR. PENEGUY: Yes, sir.

22 MR. SCOTT: And we have no objection.

23 THE COURT: Thank you so much.

24 State's Exhibit Number 169 is  
25 admitted.

1 Q. (BY MR. PENEGUY) What was the purpose of  
2 the warrant?

3 A. To obtain the DNA of Johnathan Castaneda.

4 Q. Is it common for you guys to have to do  
5 that?

6 A. Yes.

7 Q. Why is that?

8 A. Usually to compare the -- one person's DNA  
9 against DNA recovered through the course of the  
10 investigation.

11 MR. PENEGUY: Judge, may I approach  
12 the witness?

13 THE COURT: You may.

14 Q. (MR. PENEGUY) Showing you an item marked  
15 State's Exhibit Number 128. Do you recognize this  
16 item?

17 A. Yes.

18 Q. And with the exception of the fact that it  
19 looks like it's been processed, is it in the same or  
20 substantially the same condition of what you took?

21 A. Yes.

22 Q. What is it?

23 A. It's a small cardboard box containing two  
24 cotton swabs, buccal swabs.

25 Q. Did you obtain it pursuant to the warrant?

1           A.       Yes, I did.

2                       MR. PENEGUY: At this time we offer  
3 State's 128.

4                       MR. SCOTT: We have no objection, your  
5 Honor.

6                       THE COURT: State's Exhibit Number 128  
7 is admitted.

8           Q.       (MR. PENEGUY) When we're talking about a  
9 buccal swab, you obtain a search warrant for it.  
10 What is a buccal swab?

11           A.       It looks like a real long Q-tip. It's kind  
12 of a wooden little stick and there's a little cotton  
13 swab at the end of it like a Q-tip.

14           Q.       Did you obtain a sample of the persons  
15 listed in the warrants DNA?

16           A.       Yes.

17           Q.       How do you do that?

18           A.       We have them to rub their cheek with it.

19           Q.       The inside lining of their cheek or the  
20 outside lining?

21           A.       The inside of their cheek. Kind of like  
22 you're brushing your teeth, but you're rubbing it to  
23 the inside of your cheek.

24           Q.       And is that what you did?

25           A.       Yes.

1                                   MR. PENEGUY: Judge, I pass the  
2 witness.

3                                   CROSS-EXAMINATION

4                   BY MR. SCOTT

5           Q.       I'm sorry, Mark. I didn't -- how do you  
6 spell your last name?

7           A.       S-T-A-H-L-I-N.

8           Q.       When you're called out to go to 5126 Van  
9 Fleet that morning, you met Elliott out there. There  
10 were certain personnel already there, correct?

11          A.       Yes.

12          Q.       They had certain information that they had  
13 gleaned from being at the scene longer than you had  
14 been there or from talking to people before you got  
15 there. Is that accurate?

16          A.       Yes, sir.

17          Q.       You had the patrol officer, original  
18 officer, whatever you want to call him, that got  
19 there. I think you told us also that CSU was already  
20 there. Woody was already there; is that correct?

21          A.       Yes.

22          Q.       All right. So they had done a little bit  
23 before you got there until you further directed them  
24 and further investigated the circumstances, correct?

25          A.       Yes, sir.

1 Q. All right. And I think you told us that  
2 you were the scene person and Elliott would have been  
3 the witness person.

4 A. Yes, sir.

5 Q. So Elliott goes around and talks to folks.  
6 You stay there where you understand the occurrence  
7 for you to be had occurred, right?

8 A. Yes.

9 Q. Now, you talked about documenting -- I  
10 assume you remember -- you've testified I think  
11 probably as to the location of all the items that are  
12 here on this table in front of us, correct?

13 A. Yes.

14 Q. All right. These are the ones enumerated  
15 on the chart?

16 A. Yes, sir.

17 Q. Diagram, I mean?

18 A. Yes. There are a couple items that were  
19 recovered from that secondary scene down the street,  
20 a dumbbell and then like a pocket knife.

21 Q. Right. The pocket knife and the weight.

22 A. Yes, sir.

23 Q. All right. Now, in relation to the metal  
24 legs, metal -- what do you call it?

25 A. I think they were table legs.

1 Q. What did you refer to them as?

2 A. Table legs. I think.

3 Q. Okay. I don't know what they are.

4 There's some wood and stuff connected  
5 to one of them, it looks like.

6 A. Uh-huh.

7 Q. Did you find the rest of that wood? It  
8 wasn't noted anywhere on here.

9 A. If it was laying in the house, it wasn't  
10 recovered, no. We didn't document it with one of the  
11 evidence markers or anything like that.

12 Q. Okay. So you didn't match up anything  
13 that --

14 A. We did not do like a CSI reconstruction of  
15 the table or the chairs, no.

16 Q. I just wondered if you saw it in the house.

17 A. If I saw it, I didn't find anything  
18 remarkable about it.

19 Q. So if you look through these photographs,  
20 are you -- are you saying if it's in there, you don't  
21 remember it, right? If it's in the photographs, you  
22 don't remember it being --

23 A. It didn't stick out to me --

24 Q. Okay.

25 A. -- in the totality of the scene.

1 Q. Let's talk about -- you have been talking  
2 about the back room. And the diagram only shows the  
3 front part, but there's other -- what you're talking  
4 about -- living areas that you would go through to  
5 get --

6 A. Yes.

7 Q. -- this doorway to get back in here  
8 somewhere, right?

9 A. Yes.

10 Q. And then I think --

11 A. Well, there's a kitchen and then there's a  
12 locked storage area that we didn't even go in because  
13 it was padlocked.

14 Q. And that is through this door?

15 A. I believe so.

16 Q. And the kitchen is where?

17 A. The kitchen is the southwest corner of the  
18 house.

19 Q. Okay. 69 is -- all these pictures -- this  
20 is all the kitchen, right?

21 A. Yeah.

22 Q. Looks like it's got a stove in it and  
23 stuff, I'm assuming.

24 Here. Let me show you 73. 73 is  
25 maybe what we're talking about, and I didn't notice

1 it.

2 A. Okay.

3 Q. Yeah. That, I don't know which one is  
4 marked as which.

5 A. Right.

6 Q. And we're referring to the metal legs,  
7 right, or the --

8 A. Well, there are two sets of metal legs --

9 Q. Okay.

10 A. -- that were recovered. So, there's 5.  
11 And over there, 5 and 7.

12 Q. Okay. Hold it. 5 and 7?

13 A. Yes, sir.

14 Q. You've got the chart right there. Is that  
15 what it says?

16 A. Yeah.

17 Q. 5 is metal table leg.

18 A. Yes. 7, metal table leg.

19 Q. 5 and 7?

20 A. Right.

21 Q. Okay.

22 A. And going back, those are in the kitchen.  
23 So we did not recover those.

24 Q. Oh.

25 A. Because of the tile floor.

1 Q. Did not recover them because of the tile  
2 floor --

3 A. No. That's how I know that they were in  
4 the kitchen.

5 Q. Oh. Right. I see.

6 A. The floor had nothing to do with the  
7 ability to recover them.

8 Q. Okay. But if you look at 73 and the legs,  
9 these appear to be the same configuration as the ones  
10 you did recover, though, right?

11 A. Belonging to the same piece of whatever  
12 furniture they came from, yeah.

13 Q. Okay. And this one, though, has both legs  
14 connected to some --

15 A. Platform.

16 Q. Whatever it is. Which would coincide with  
17 part of the one that has a section of the wood still  
18 connected to this part of the leg it appears. I'm  
19 just saying.

20 A. That's fair.

21 Q. All right.

22 A. These don't have blood on them.

23 Q. Right. But they're in the kitchen.

24 A. Right.

25 Q. The ones that you collected that had the

1 blood on them, we talked about them, right?

2 A. Yes, sir. They're in the living room.

3 Q. Okay. Now that I've stumbled across that,  
4 let me go back to where I was. I'm trying to get to  
5 the back area that you talked about. 67 and 68,  
6 would that have been in the back area that you were  
7 talking about, or do you remember?

8 A. I believe it might have been.

9 Q. I'm thinking this isn't on the diagram.

10 A. No. No. That's not. That's what's  
11 recovered from that area of the house.

12 Q. Okay. Is this in that back area as well  
13 though?

14 A. Yes.

15 Q. All right. And this -- I'm sorry. That  
16 was 57 is in the back area?

17 A. Yeah.

18 Q. And just for our purposes, we're talking  
19 about things that are not on the diagram back through  
20 that door?

21 A. Correct.

22 Q. Okay. 65 is in that back area; is that  
23 correct?

24 A. Yeah.

25 Q. Looks like. And 66?

1           A.     Yes.

2           Q.     Probably?  How about 56?  Can you tell  
3 where that is?

4           A.     Yes.  That's looking from one area back to  
5 where 65 was.  You can see the bed and that dresser.

6           Q.     Okay.  Got it.  All right.  And then --

7           A.     Bathroom.

8           Q.     This is the bathroom in the back?

9           A.     Yes, sir.

10          Q.     And this is the one that the prosecutor was  
11 talking to you about, there was no damage to the door  
12 facing or anything that would have shown any violence  
13 or anything?

14          A.     We also didn't check to see if like the  
15 door actually latched.

16          Q.     But you see the splinter in it, the key  
17 hole and all that would have been together if  
18 somebody had kicked it in, right?

19          A.     Right.  But if the door never really  
20 latched, then there wouldn't be any splintering.

21          Q.     Right.  If it hadn't been closed, they  
22 couldn't have kicked it in, right?

23          A.     I mean, if it didn't latch -- you know, on  
24 like old doors?  I've got some in my house.  You've  
25 got to, like, hit them with a fist.

1 Q. Do you remember where this --

2 A. I think that's the back bedroom, the back  
3 part of the house, too.

4 Q. Okay.

5 A. Yeah, that's the same dresser. So, it's  
6 just like --

7 Q. What is that? A headboard?

8 A. I guess so.

9 Q. Okay. I can recognize a door. And 55  
10 would show that same bedroom or that same area,  
11 correct?

12 A. Yes, sir.

13 Q. Besides this table then, the table in 66,  
14 that's in that bedroom, right?

15 A. Uh-huh.

16 Q. And we've got a little stand sort of thing  
17 going back that way?

18 A. Uh-huh.

19 Q. And we've got kind of a chest of drawers  
20 looking thing back there somewhere, right?

21 A. Yes, sir.

22 Q. Okay. When you looked at any of those  
23 surfaces, those little tables or anything back there,  
24 did you notice any blood on any of those items?

25 A. I don't remember seeing any on there, no.

1 Q. If I had, you would have noted it, correct?

2 A. Yes.

3 Q. All right. If you would have found one of  
4 these bloody legs or whatever we want to call these  
5 metal things back there, you would have noted it as  
6 well, correct?

7 A. Yes.

8 Q. All right.

9 THE COURT: How much longer is your --

10 MR. SCOTT: It's going to be a while,  
11 Judge.

12 THE COURT: All right. We're going to  
13 break then for the day, ladies and gentlemen. Stand  
14 in recess until 9:30 in the morning. Remember not to  
15 discuss the case. Have a safe drive home. See you  
16 all back in the morning.

17 (Jury leaves courtroom.)

18 (Evening recess.)

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