

1                   THE COURT: Thank you, sir.

2                   THE WITNESS: Thank you.

3                   MS. CARROLL: At this time I'll call Darrell  
4 Stein.

5                   THE BAILIFF: This witness has not yet been  
6 sworn in, Your Honor.

7                   THE COURT: Thank you. Come on up, please,  
8 sir.

9                   (Witness sworn.)

10                  THE COURT: Thank you. Please have a seat.

11                                   **DARRELL STEIN,**

12 having been first duly sworn, testified as follows:

13                                   **DIRECT EXAMINATION**

14                  Q.    (BY MS. CARROLL) Can you state your name for the  
15 record?

16                  A.    Hello. My name is Darrell Stein.

17                  Q.    And are you familiar with Incident No. 149886710?

18                  A.    Yes, ma'am.

19                  Q.    And you did the analysis on John Lopez's weapon,  
20 correct?

21                  A.    Yes, ma'am.

22                  Q.    Okay. And you did the analysis that was one gun,  
23 one fired shotgun shell and two unfired shotgun shells?

24                  A.    Yes, ma'am.

25                  Q.    I'll now show you what's been previously marked as

1 Defense Exhibit No. 44. Do you recognize this document?

2 A. Yes, ma'am, I do.

3 Q. And that is made at or near the time of the  
4 firearms analysis?

5 A. Yes, ma'am.

6 Q. Was it made by someone with knowledge of the  
7 information contained within it?

8 A. Yes.

9 Q. Was it kept in the course of regularly conducted  
10 business activity?

11 A. Yes, ma'am.

12 Q. Was it regular business practice of the Houston  
13 Police Department crime laboratory to produce such records?

14 A. Yes.

15 MS. CARROLL: And I tender to the prosecutor.

16 MS. KNECHT: No objections, Judge.

17 THE COURT: Admitted.

18 Q. (BY MS. CARROLL) And both the two unfired 12-gauge  
19 shotgun shells were the same type as the fired shotgun shell  
20 that came from his gun, correct?

21 A. That was my recollection, yes, ma'am.

22 MS. CARROLL: No further questions, Your  
23 Honor.

24 THE COURT: Thank you.

25 MS. KNECHT: I have no questions of this

1 witness, Judge.

2 *THE COURT:* May he be excused?

3 *MS. KNECHT:* That's fine with the State,  
4 Judge.

5 *MS. CARROLL:* Yes, Your Honor.

6 *THE COURT:* Thank you so much, sir.

7 *THE WITNESS:* Thank you, Your Honor.

8 *THE COURT:* Thanks for coming down.

9 *MS. CARROLL:* Defense calls Corporal Henry  
10 Garcia.

11 *THE BAILIFF:* This witness has previously been  
12 sworn in, Your Honor.

13 *THE COURT:* Thank you. You may have a seat on  
14 the witness stand, sir.

15 **HENRY GARCIA,**

16 having been first duly sworn, testified as follows:

17 **DIRECT EXAMINATION**

18 *Q. (BY MS. CARROLL)* Can you please state your name  
19 for the record?

20 *A.* My name is Corporal Henry Garcia.

21 *Q.* How are you employed?

22 *A.* I'm employed with the City of Stafford Police  
23 Department.

24 *Q.* Are you one of the officers that were present at  
25 Stafford Police Department when Mr. Lopez turned himself in?