your seats.

All right. State, call your next witness.

MS. MICKELSON: At this time the State calls Officer Sylvester.

THE COURT: All right. Raise your right hand.

SHAUN SYLVESTER,

having been first duly sworn, testified as follows:

THE COURT: All right, sir. You may take the stand.

You may proceed when you're ready.

MS. MICKELSON: Thank you, Your Honor.

DIRECT EXAMINATION

BY MS. MICKELSON:

Q. Officer, could you please state your name for the record?

A. Shaun Sylvester.

Q. How are you currently employed?

A. With the Houston Police Department, Northwest Patrol Division.

Q. How long have you been with the Houston Police Department?

A. Since 2009.

Q. And what was -- what's your current

assignment?

A. Patrol.

Q. And were you employed by the Houston Police Department on July 28th of 2010?

A. Yes, ma'am.

Q. What was your assignment at that time?

A. I received a call for service for evidence retrieval.

Q. So, were you -- did you ever receive a call to go to 9014 Laverne Crescent Drive?

A. Yes, ma'am.

Q. And do you remember when that was?

A. I'd have to look. There, it's July 29th, 2010.

Q. And did you receive a call to go out to the residence shortly after the original incident date?

A. Yes, ma'am.

Q. And what was the nature of that call?

A. To pick up a shell casing.

Q. Who did you meet with?

A. Ms. Barajas.

MS. MICKELSON: Your Honor, may I approach the witness?

THE COURT: You may.

Q. (BY MS. MICKELSON) Officer, I'm going to show

you what's been pre-marked as State's Exhibit 28. Would you take a moment and tell me, do you recognize this?

A. Yes, ma'am.

Q. Okay. And what is this?

A. This is an evidence envelope that I tagged in.

Q. Okay. And you'll flip it over. And do you recognize the initials that are on there before I opened it this morning?

A. Yes, ma'am, it's my initials.

Q. And would you open the bag?

And tell me if you recognize what's inside State's Exhibit 28.

A. Yes, ma'am. It's a shell casing.

Q. And did you go retrieve this from the Houston Police Department Property Room this morning?

A. Yes, ma'am.

Q. Is this, aside from bag that it's now in, is it in the same or substantially same condition as when you last retrieved it?

A. Yes, ma'am.

MS. MICKELSON: Your Honor, at this time the State will show opposing counsel what's been pre-marked as State's Exhibit 28 and offer into evidence.

MR. STRADLEY: No objections.

THE COURT: All right. 28 is admitted.

Q. (BY MS. MICKELSON) Officer, are you familiar with shell casings?

A. Yes, ma'am.

Q. Okay. And what type of weapon would that type of shell casing come out of, a semiautomatic or a revolver?

A. That would be a semiautomatic.

Q. Did you have any other involvement in this case?

A. No, ma'am.

MS. MICKELSON: Your Honor, at this time the State will pass the witness.

THE COURT: All right. Any cross, sir?

MR. STRADLEY: Yes, Your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. STRADLEY:

Q. Officer Sylvester, you -- from reviewing the offense report that I'm sure you're familiar with, can you tell us how many days after the shooting event it was when you picked up that shell from that residence?

A. I picked it up on July 29th. The original case was -- no, the report was made on July 29th.

Q. Okay. We can all agree that's when it happened. When did you pick up the shell?

A. That would be -- there it is -- August 8th, 2010.

Q. So, give or take, that's about 10 days after the event. Is that fair to say?

A. I suppose so.

Q. Okay. Now, you can't verify that that -- that the -- that the shell casing was found in the place that it was told to you it was found in, can you?

A. No. That's third-party information from Ms. Barajas.

Q. Got it. And so, you can't -- you don't know whether or not the shell may have been moved from one part of the house to another --

A. I don't have any knowledge.

Q. -- before it was observed by Ms. Barajas?

A. I don't have any knowledge of that.

MR. STRADLEY: That's all I have, Judge. Thank you.

THE COURT: All right. Anything else?

MS. MICKELSON: Just briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. MICKELSON:

Q. Officer, I know you don't work in the

ballistics lab, but can we compare shell casings if we don't have a gun?

A. No.

MS. MICKELSON: Pass the witness.

THE COURT: What about any other cross?

MR. STRADLEY: No, Your Honor.

THE COURT: All right. Officer Sylvester, you may step down. You're excused, sir.

Thank you very much.

THE WITNESS: Thank you, sir.

THE COURT: All right. What say the State?

MS. MICKELSON: At this time, the State of Texas rests.

THE COURT: State rests.

Let me have counsel here.

(Bench conference on the record).

THE COURT: Thank you. All right.

You have one witness here. I'll go ahead and let you make your motion up here.

Do you want to make a motion?

MR. STRADLEY: Yes.

THE COURT: Okay.

MR. STRADLEY: Your Honor, at this time the State having rested its case in chief on guilt and