

1 **MATTHEW WALKER,**

2 having been first duly sworn, testified as follows:

3 **DIRECT EXAMINATION**

4 BY MS. DAVIDSON:

5 Q Could you introduce yourself to the ladies
6 and gentlemen of the jury?

7 A Yes, Deputy Matthew Walker.

8 Q And I see you're wearing a uniform?

9 A Yes, ma'am.

10 Q Can you tell the ladies and gentlemen of the
11 jury what agency you work for?

12 A I work for Harris County Constable Precinct
13 Four, at North Harris County.

14 Q And what are your job duties with the
15 Precinct Four Harris County?

16 A I'm a patrol division. I patrol the
17 northern portion of Harris County in precinct four.

18 Q How long have you been a deputy with
19 precinct four?

20 A I've been with precinct four since '99.

21 Q Were you with any other police agency prior
22 to that?

23 A Yes.

24 Q And who was that?

25 A Nueces County, down in Corpus Christi.

1 Q How long were you with Nueces County?

2 A I started with them January of '94.

3 Q And so total, how long have you been a
4 police officer?

5 A This is -- I believe my 17th year.

6 Q And what exactly do you do on a daily basis
7 for precinct four?

8 A I patrol the district. We do traffic
9 enforcement, we do -- we answer a number of different
10 types of calls, disturbances. Really anything -- any
11 type of call that we get.

12 Q And back in -- were you employed with the
13 precinct four back in May of 2008?

14 A Yes.

15 Q What shift were you working back then?

16 A I believe I was working a power shift, which
17 is a 6:00 p.m. at night -- 6:00 p.m. until 2:00 p.m.
18 or 2:00 a.m. in the morning.

19 Q And when you are on patrol with precinct
20 four, are you in a marked patrol car or an unmarked
21 vehicle?

22 A It's a fully marked patrol car, with lights
23 and sirens, and decals on both sides.

24 Q And do you ride alone, or do you typically
25 have a partner?

1 A No, we ride single man.

2 Q Were you on duty on May 16th of 2008?

3 A Yes.

4 Q Approximately what time of day or night did
5 you get on duty?

6 A 6:00 p.m. of the 16th.

7 Q On that day, were you dispatched to an
8 address, 6607 Springfield Garden Lane, in Spring,
9 Texas?

10 A Yes.

11 Q And is that location in Harris County,
12 Texas?

13 A Yes.

14 Q Approximately what time was it that you were
15 dispatched?

16 A I think it was about 11:15 p.m.

17 Q And what was the purpose of the dispatch?
18 What did you understand why you needed to go to that
19 location?

20 A The call came out over our CAD messaging
21 system on our computer. And I read -- I read the
22 comments of the call as it was put in by the call
23 taker. It said somebody had found a body in the
24 house. There was blood everywhere and one of the
25 bodies had a pillow over their face. I believe that

1 was similar to what the comments read in my calls
2 book.

3 Q And what did you do based on that?

4 A Well, it was actually in a neighborhood that
5 I patrolled. I was right around the corner from that
6 neighborhood. So I pulled into the neighborhood and
7 immediately I was right there in front of the house.

8 Q How long from the moment you got the
9 dispatch, did it take you to arrive at the home?

10 A I think it was -- I think it was just a few
11 minutes. Maybe -- I think it was less than five.
12 Something like that.

13 Q And when you arrived there, were you first
14 officer on the scene?

15 A Yes.

16 Q Tell the jury what you did?

17 A Initially, when I approached the house I was
18 approaching cautiously because of the nature of this
19 call. And I observed the garage door was open.
20 There was an SUV in the driveway and there was a
21 Hispanic male standing in the garage, motioning for
22 me to hurry up, like come on in.

23 Q And I don't know if you saw him or not, but
24 could that Hispanic male have been Mr. Padilla, who
25 just left the courtroom?

1 A I know it was a Mr. Padilla. I didn't see.
2 I didn't know who --

3 Q Okay. Fair enough.

4 A -- who was here.

5 Q And after seeing him motion you in, what did
6 you do?

7 A Well, immediately because of that nature of
8 the call, there's an immediate threat to officers who
9 respond. And so I was hoping I had a backup unit
10 that was close. Which I did. I had another deputy
11 that was -- arrived shortly after I did.

12 Q And who was that deputy?

13 A Deputy Paul Villareal.

14 Q And when you say he arrived shortly after
15 you did, do you know how long it took him to get
16 there?

17 A I think he got there within a minute
18 maybe -- maybe two minutes after me.

19 Q Okay. And where were you when he arrived?

20 A I was walking towards the garage where
21 Mr. Padilla was, and started to enter the house. But
22 I had to make sure that I could see another unit
23 coming in behind me, because I had Mr. Padilla in the
24 garage. And I was told that there was another male
25 inside the house. So --

1 Q What did you do based on that?

2 A I waited for my backup unit to start
3 approaching up the garage with me.

4 Q And then what happened?

5 A At that point I made entry into the -- it
6 was a laundry room entry door from the garage that
7 leads into the house. There was a washing machine on
8 the left-hand side. And as I made a left into that
9 hallway, there was a black male over a body that had
10 blood all over the neck, face, and there was blood
11 pooling all into the kitchen entryway.

12 Q Deputy, I'm going to show you what's in
13 evidence as State's Exhibit No. 5, which is a diagram
14 of the house. Does that pretty much look like what
15 you recall seeing at the house that day?

16 A Pretty close, yes.

17 Q Okay. This is the garage and this is the
18 laundry room. Can you show the jury what path you
19 took as you were going into that house to see what
20 was going on?

21 A Yes, I entered the garage here.

22 Q If you push on the -- yeah, there you go.

23 A I went straight through the little utility,
24 and immediately as I made a left, I could see a male
25 crouching over a body in this little entryway,

1 towards the kitchen area. Which -- it actually looks
2 farther on this map than it is, but it's -- it's not
3 very -- very far away.

4 Q Did you actually see a body laying on the
5 floor?

6 A Yes.

7 Q Describe for the jury what you saw?

8 A I saw a body laying on -- on her back. Head
9 was to the right, feet were sort of to the left at an
10 angle into the kitchen area. And I think the male
11 was like leaning over towards the head area, and was
12 sort of like stooped down on one knee.

13 Q Once you saw that, what did you do?

14 A Well, because of the fact that we hadn't
15 cleared the house, we had no idea what -- what type
16 of a crime scene we had at that point. Everybody was
17 suspicious at that point. Which we immediately had
18 to detain both of the persons that we knew were
19 inside the house in order for us to do a further
20 search of the house, to look for victims or any other
21 persons that may be in the house that may have caused
22 the crime. So what we did was --

23 Q Let me stop you there, okay.

24 A Okay.

25 Q We're going to do this question and answer.

1 I'm going to show you what's in evidence as State's
2 Exhibit No. 82. Is that the female on the floor that
3 you were describing that you saw?

4 A Yes, it is.

5 Q And after seeing the male and you said that
6 you needed to secure the house, what did you do?

7 A We had to -- we escorted both males out of
8 the residence. And at that point, once they were
9 secured in separate vehicles, we then had to re-enter
10 the house to search for victims or any other suspects
11 in the house. Which is what we did. We went room to
12 room, closet to closet, under beds and everywhere.
13 And we discovered a second body.

14 Q When you say you had to secure the
15 individuals, did you secure a man you've come to know
16 by the name of Theron Owens?

17 A Yes.

18 Q Do you see Mr. Owens in the courtroom today?

19 A Yes.

20 Q Can you identify him by where he's sitting
21 and some article of clothing he's wearing?

22 A Yes. He's wearing the blue long-sleeved
23 shirt with the light blue tie.

24 Q And the man sitting to your left?

25 A Yes.

1 MS. DAVIDSON: Your Honor, may the
2 record reflect that he's identified the defendant.

3 THE COURT: It will so reflect.

4 Q (By MS. DAVIDSON) When you say, "Secure him,"
5 what happened in securing the defendant?

6 A This little entryway that -- that I showed
7 you there with the utility --

8 Q I'm putting State's 5 back onto the screen.

9 A Yes. This little entryway was -- the wall
10 was pretty close. So we had a small area there --

11 Q If you could show us on the diagram where
12 you're talking about.

13 A Yeah, right here (indicating). This
14 little -- that's a little utility and that wall runs
15 right there. So we had to secure both males that we
16 found inside the house. Which means we had to escort
17 them out, place them in handcuffs and place them in
18 separate patrol cars, in order to have them secured,
19 in order for us to go back in the house and search
20 for victims or any other suspects.

21 Q Did anything happen to you or Deputy
22 Villareal -- is that what you said?

23 A Yes, Deputy Villa --

24 Q While trying to secure the defendant?

25 A Yes. He was crouched over the body, the

1 defendant was crouched over the body. And as I was
2 escorting him through this little area (indicating)
3 to exit the house with him, Deputy Villareal began to
4 place handcuffs on him. At which point he began
5 pulling his arms forward and leaning over the
6 washer/dryer area that's right here (indicating) that
7 I marked there on the utility. Asked him what --

8 Q That's State Exhibit No. 18. Does that look
9 like a utility room?

10 A Yes.

11 Q All right. Go ahead.

12 A And he began asking why we were handcuffing
13 him. He was very exited and was yelling. And we
14 continued to handcuff him, and he was walked out to
15 the car and they were placed in separate cars, in
16 order for us to re-enter the house.

17 Q Did either you or Deputy Villareal ever
18 strike or hit the defendant in any manner?

19 A No.

20 Q Approximately how long would you say that it
21 took you to get him cuffed?

22 A Probably ten, 15 seconds, from the time that
23 I escorted him from where he was over the body, to
24 the utility. And then he began pulling his arms
25 forward a little bit. You know, maybe ten extra

1 seconds. And we had to walk him down the driveway
2 once he was handcuffed, so...

3 Q And he's put in a patrol car?

4 A Yes.

5 Q Did you secure Mr. Padilla in the same
6 manner that you secured this defendant?

7 A Yes.

8 Q And what was the purpose for y'all to place
9 them in patrol cars?

10 A Well, there was two of us and two of them,
11 and we still had an active crime scene, with unknown
12 suspects and unknown victims. And the only way to
13 secure those persons, short of any other officers, is
14 to detain them in a secure patrol vehicle, so we
15 could search the house for victims.

16 Q And so I take it one went into your car and
17 one went into Deputy Villareal's?

18 A Yes.

19 Q After securing them in your cars, what did
20 you do next?

21 A We re-entered the house, and we began a
22 room-to-room search of the entire interior of the
23 residence, including all the bedroom and closets and
24 bathrooms.

25 Q Using State's Exhibit No. 5, if you could

1 explain to the jury what you did in securing the
2 house?

3 A We re-entered the same way we entered the
4 first time, through the garage, through the utility.
5 We -- we knew we already had a body over into this
6 kitchen area (indicating.) So, this area right over
7 here was already -- I had already checked this area
8 behind me the first time.

9 So, I knew that we hadn't checked the
10 kitchen, the master bath. Here's the kitchen, master
11 bedroom, and bath, a second bedroom here
12 (indicating), and then this is where I found the
13 second victim in the bed, in this bedroom here
14 (indicating) when we did a room-to-room sweep of the
15 entire house.

16 Q And do you and Deputy Villareal do that
17 together or do you go your separate ways?

18 A Yes, we do it together.

19 Q When you got into the kitchen, other than
20 the body of Ms. Walker, was there anything unusual
21 that you saw in the kitchen?

22 A I noticed that there was a large amount of
23 pooling of blood on the tile. It was a -- I don't
24 know whether it was a vinyl tile or a ceramic, but
25 the blood was -- had already miscolored a little bit,

1 to where it was brown. And a lot of the smears had
2 already dried. Which gave me an indication that this
3 had -- this had taken place hours earlier.

4 Q Did you or Deputy Villareal touch anything
5 while you were in the home making -- securing it?

6 A The only thing that I remember touching was,
7 I checked the female that was in the bed in this room
8 here (indicating). I just -- her arm was out enough
9 to where I could check for a pulse. And that was the
10 only physical portion that I touched.

11 Q Okay. I'm going back to State's Exhibit
12 No. 82 again. This backdoor right here (indicating)
13 in State's Exhibit No. 82, was it in that closed
14 position when you went into the kitchen?

15 A Yes.

16 Q Okay. So you never saw that backdoor open?

17 A No.

18 Q When you got close enough to the lady in the
19 second bedroom, Ms. Owens, did you observe anything
20 other than blood. Anything that you thought might
21 look suspicious.

22 A Yes. The first thing I noticed was there
23 was a pillow covering the face. And I wasn't sure
24 right off at first whether it was male or female. It
25 wasn't until I got closer, I could see the hands and

1 realized it was female. But the face was covered
2 with a pillow. And I also observed two weapons,
3 being knives. One looked like a kitchen knife. One
4 had a -- the sheath for the knife was laid on her
5 stomach, and there was a knife next to the bed that
6 was broken. The handle was broken off of it. It
7 was, I believe, on the floor next to the bed.

8 Q Deputy, I'm going to show you what I marked
9 for identification purposes as States' Exhibits 26
10 and 32. I'd like you to take a look at those two and
11 tell me if you recognize those two pictures?

12 A Yes.

13 Q Do these photographs fairly and accurately
14 depict what you saw that evening, on May 16 of 2008?

15 A Yes, I do.

16 MS. DAVIDSON: Your Honor, at this time
17 I'd like to offer into evidence State's Exhibits
18 26 and 32, and tender them to counsel for her
19 inspection.

20 MS. LYTLE: No objection.

21 THE COURT: State's 26 and 32 are
22 admitted.

23 (State's Exhibit Nos. 26 and 32 were
24 admitted.)

25 Q (BY MS. DAVIDSON) In State's Exhibit No. 26,

1 deputy, would you tell the jury what they're seeing
2 in this photograph?

3 A Yes. This is the second victim that I
4 located in the bedroom, in the condition that I found
5 her.

6 Q Okay. And I believe you said you found a
7 knife laying on her. Can you show the jury where
8 that knife is that you saw?

9 A Yes. There's a wooden object right here
10 (indicating), that you can see with a blade.

11 Q Okay. And I believe you said there was a
12 second weapon that you observed; is that correct?

13 A Yes.

14 Q Let me show you State's No. 32. Tell the
15 jury what they're seeing in that photograph?

16 A Okay. This black one here is the handle,
17 that looks like of the blade, and the blade is just
18 underneath the bed at the edge, where it looks like
19 the handle was snapped off of the blade.

20 Q And it was laying right next to the bed
21 where Ms. Owens' body was found?

22 A Yes, it was.

23 Q Did you touch any of these items?

24 A No.

25 Q And what is the reason you and Deputy

1 Villareal didn't touch any of these items?

2 A Because our initial search was to make sure
3 that the scene was safe for entry for the crime scene
4 unit and homicide detectives, once they arrived at
5 the scene.

6 Q Okay. Tell the jury if, like in this
7 instance, when you come across a scene like this,
8 what are you supposed to do to further the
9 investigation?

10 A As first line responders, what we do on a
11 scene like this is -- is we secure the scene and
12 maintain any of the integrity of any the evidence
13 that is on scene, by way of not allowing entry of any
14 other persons. And securing any persons that are on
15 scene, well-enough for that evidence to be collected
16 by our crime scene units and homicide detectives.

17 Q So, once you secured the scene, and made
18 sure there weren't any other people in the house or
19 any other victims, what did you and Deputy Villareal
20 do?

21 A Well, I was the supervisor on the scene at
22 that point, prior to my sergeant arriving. And I
23 made notification to my sergeant. I then made
24 notification to our Harris County watch command,
25 which notifies and dispatches our crime scene unit

1 and homicide detectives.

2 Once I made those notifications, our
3 job is to maintain a perimeter, which is done so with
4 crime scene tape around the entire residence, to
5 include the street if necessary. Which is what we
6 did. I positioned deputies at the front and the rear
7 of the residence, to make sure that there would be no
8 entry from any other persons from the outside. And I
9 had a deputy maintaining the log of entry of any
10 officers or detectives that arrived on scene prior --
11 after that.

12 Q And what is the purpose y'all keep this log?

13 A So that we can maintain an accurate account
14 of the entry of every person into the residence, in
15 order to maintain the integrity of the evidence on
16 the scene that -- that we're trying to secure.

17 Q I'm going to show you what's in evidence as
18 State's Exhibit No. 8. This crime scene tape that
19 you see around the perimeter of -- of the Ms. Walker
20 and Ms. Owens' home, was that responsible for you and
21 Deputy Villareal? Did y'all put that up?

22 A Yes.

23 Q Okay. And in State Exhibit No. 10, it goes
24 all the way around the perimeter?

25 A Yes, it does.

1 Q Did it go around the backyard, as well?

2 A The backyard was fenced, and that was the
3 purpose for me placing a deputy in the backyard, at
4 the backdoor, was to -- to have a physical person
5 present back there to maintain that rear perimeter.

6 Q Did members of the sheriff's office homicide
7 division and crime scene unit detail eventually show
8 up at that house?

9 A Yes.

10 Q Do you know what time of the day or night it
11 was when they got there?

12 A I think crime scene unit was the first on
13 scene, and I believe they arrived around 12:30 or
14 something like that.

15 Q And you got there around 11:20? Is that
16 what you said?

17 A Yeah.

18 Q So, a little over an hour later your crime
19 scene unit arrived?

20 A Yes.

21 Q And while you were waiting for them, y'all
22 were just standing outside?

23 A We maintained the perimeter, yes.

24 Q And were Mr. Padilla and the defendant still
25 in patrol cars?

1 A Yes, separate patrol cars.

2 Q Did any of you from the constable's office
3 ever talk to either the defendant or Mr. Padilla?

4 A Prior to crime scene arriving, Deputy
5 Villareal had to obtain a Consent to Search from a
6 owner or a person that lived in the residence. And
7 Mr. Owen [sic] was claiming to be -- that he lived in
8 the residence. Therefore, I do remember a Consent to
9 Search form being signed by Mr. Owen [sic].

10 Q Tell the jury what a Consent to Search is?

11 A Consent to Search form is basically, we're
12 asking consent to enter the house, to make sure that
13 evidence and everything that needs to be collected
14 for this crime scene, is -- it authorizes the
15 officers to make entry.

16 And that's standard procedure for crime
17 scene units. Once they arrive, they expect to have a
18 crime scene -- I'm sorry, a Consent to Search form
19 prepared prior to their arrival, in order to help
20 expedite their collection of evidence first.

21 Q And what is the reason you can't just go
22 ahead and start searching it?

23 A Well, once -- our reason for the initial
24 search, is to make sure that we have a safe scene.
25 And once we've realized we have a safe scene, then we

1 have to obtain permission from -- from an owner, to
2 make sure we don't neglect their rights as a person
3 that lives in the house.

4 Q I'm going to show you what's been marked as
5 State's Exhibit No. 121. I'd like you to take a look
6 at that and tell me if you recognize that?

7 A Yes.

8 Q And is 121 a copy of the voluntary Consent
9 to Search that y'all obtained from the defendant?

10 A Yes.

11 MS. DAVIDSON: Your Honor, at that time
12 I'd like to offer into evidence State's Exhibit
13 No. 121, and tender to counsel for her inspection.

14 MS. LYTLE: No objection, Your Honor.

15 THE COURT: All right. State's 121 is
16 admitted.

17 (State's Exhibit No. 121 was admitted.)

18 Q (BY MS. DAVIDSON) And, deputy, would you just
19 explain to the jury what they're seeing on the
20 screen?

21 A Yes. This is our standard voluntary consent
22 to search form. It has a section where we ask the
23 person giving consent to put their name. We put our
24 agency name there, and then we put the address or
25 property that is to be searched description in this

1 section right here (indicating).

2 Q Okay. And basically you're doing this so
3 y'all don't have to obtain a search warrant?

4 A Yes.

5 Q If the owner consents, then you don't have
6 to go get a search warrant to search the premises?

7 A Yes.

8 Q Approximately what time of the day or night
9 was this signed?

10 A Well, the form says 12:35 a.m., and I
11 remember -- my recollection is the same time.

12 Q And y'all obtained this from him prior to --
13 right before the CSU gets there?

14 A Yes.

15 Q What happened next?

16 A Crime scene units arrived, as well as
17 homicide detectives arrived, probably twenty, twenty
18 minutes later roughly. It's in our log. And we
19 basically -- we then turn over the scene to the crime
20 scene units to collect the evidence.

21 And the homicide detectives then take
22 custody of any persons that we have, that they need
23 to interview or obtain witness statements from. So
24 we maintained our perimeter throughout their entire
25 crime scene collecting, and the detectives'

1 interviews on scene.

2 Q Do you or Deputy Villareal have anything to
3 do with the search or the processing of the home
4 itself?

5 A Other than the initial search, no.

6 Q Okay. So, you just stay outside and here
7 comes the sheriff's office, CSU, and homicide to come
8 in and take over?

9 A Yes.

10 Q Okay. How long did you remain on the scene?

11 A I think I was there until probably 9:00 the
12 next morning.

13 Q Okay. And the whole time you were just
14 maintaining the perimeter?

15 A Yes. Maintaining the perimeter and, of
16 course, we've got paperwork that we have to do, that
17 goes along with the report entry and stuff like that.

18 Q Did you have any dealings at all, other than
19 to get the Consent to Search, with the defendant?

20 A No.

21 MS. DAVIDSON: I'll pass the witness,
22 Judge.

23 THE COURT: All right. Any questions.

24 MS. LYTTLE: Yes, Your Honor. May I
25 proceed.

1 THE COURT: You may proceed.

2 MS. LYTLE: Thank you.

3 **CROSS-EXAMINATION**

4 BY MS. LYTLE:

5 Q Deputy Walker, my name is Heather Lytle.

6 I'm one of the attorneys representing Mr. Owens
7 today.

8 A Hello.

9 Q You said just a moment ago, that other than
10 obtaining the Consent to Search, you didn't have any
11 dealing with Mr. Owens; is that correct?

12 A Well, the initial contact that I had with
13 him.

14 Q Okay. I was -- just wanted to clarify your
15 testimony. Other than your original handcuffing of
16 him and escorting him to the police car?

17 A Yes.

18 Q About how long would you say it took you and
19 Deputy Villareal to secure the scene?

20 A Maybe 20, 20 minutes, something liking that.

21 Q Okay. So, in about 20 minutes, you had
22 searched the home and determined that there were no
23 other persons in the home?

24 A Yes.

25 Q Okay. In your line of work, and you've been

1 doing this for some time, you make reports about what
2 you find at crime scenes, don't you?

3 A Yes.

4 Q And you make them as detailed as possible,
5 don't you?

6 A Yes.

7 Q And the purpose of that is to preserve
8 exactly what you remember and exactly what you saw?

9 A Yes.

10 Q Is that correct? To be sure that nothing
11 gets missed and that everything is documented in case
12 it comes to court, right?

13 A Right.

14 Q Okay. And you made a report in this case?

15 A Yes.

16 Q And in that report, you referred to
17 Mr. Owens as a suspect, didn't you?

18 A Yes.

19 Q And Mr. Villareal also made a report, didn't
20 he?

21 A Yes.

22 Q Okay. He actually made the original offense
23 report; is that correct?

24 A Yes.

25 Q And you authored supplement number one; is

1 that correct?

2 A I think mine was one, yeah.

3 Q Okay. Is there a reason why Mr. Villareal
4 authored the original record, rather than you?

5 A I was the supervisor on scene for -- until
6 the time my sergeant arrived.

7 Q Okay. As a supervisor, did you have a
8 chance to review Mr. Villareal's report?

9 A Yes.

10 Q And did you conclude that everything in his
11 report was accurate?

12 A Yes.

13 Q So, if he stated in his report --

14 MS. DAVIDSON: Object to reading from a
15 document not in evidence and it's also hearsay,
16 Judge.

17 THE COURT: Well, if she's reading,
18 it's sustained on both grounds.

19 Q (BY MS. LYTLE) Would it surprise you, if
20 Mr. Villareal stated that the --

21 MS. DAVIDSON: Objection; hearsay,
22 Judge.

23 THE COURT: Sustained.

24 Q (BY MS. LYTLE) You said that you -- that you
25 did not see that the backdoor was open?

1 A Yes.

2 Q Is that correct? Would it surprise you if
3 Mr. Villareal saw --

4 MS. DAVIDSON: Judge, I'd object; it's
5 all hearsay on what someone else said.

6 THE COURT: Well, is that a question?

7 MS. LYTLE: I asked if it would
8 surprise him, not what Mr. Villareal said.

9 MS. DAVIDSON: It's still calling for
10 hearsay backdoor.

11 THE COURT: All right. Based on what
12 I'm hearing, the objection is sustained at this time.
13 You can rephrase your question.

14 Q (BY MS. LYTLE) As you sit here today, Deputy
15 Walker, can you be one hundred percent certain that
16 the kitchen backdoor was not slightly ajar?

17 A My recollection is that it was closed.

18 Q Did you physically walk over to the door and
19 touch it? Look at it?

20 A No.

21 Q In your search of the home for additional
22 suspects, was your search limited just for -- just
23 additional victims or suspects, or are you looking
24 for any possible other evidence?

25 A No. Our search is for victims or other

1 persons -- sorry, victims or any other persons that
2 are inside the house that we need to check.

3 Q So, you weren't noting possible entry or
4 exit of a possible perpetrator?

5 A No. That was not our intent from -- from
6 entry, no.

7 Q Okay. And your role with the Harris County
8 sheriff's office, is not a crime scene investigator,
9 is it?

10 A Not in a speciality division, such as crime
11 scene unit.

12 Q Right. Not with the crime scene unit?

13 A No.

14 Q During your search of the home and your
15 securing of the perimeter, did you or anyone else go
16 in or out of the backdoor?

17 A I did not. But once we maintained the
18 perimeter, I never went back into the backyard. So,
19 I don't know what crime scene or --

20 Q Just one second. I apologize. You don't
21 know what crime scene what?

22 A I don't know if crime scene units or
23 homicide detectives, once we set up the perimeter,
24 may or may not have made entry, I don't know.
25 However, that would be documented in -- in the log

1 report.

2 MS. LYTLE: Pass the witness, Your
3 Honor.

4 THE COURT: All right. Anything else?

5 MS. DAVIDSON: I have no further
6 questions, Judge.

7 THE COURT: All right. May Deputy Matt
8 Walker be excused?

9 THE WITNESS: Thank you, Your Honor.

10 MS. DAVIDSON: Yes.

11 THE COURT: Any objection?

12 MS. DAVIDSON: No, sir.

13 MS. LYTLE: No.

14 THE COURT: Thank you, sir. You're
15 free to go. Subject to possible recall, okay?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. What says the
18 State.

19 MS. DAVIDSON: State will call Deputy
20 Michael Sams.

21 THE COURT: All right. What's the last
22 name?

23 MS. DAVIDSON: Sams.

24 May we approach, Judge?

25 THE COURT: Sure. Come on up.

1 (Bench Conference.)

2 MS. DAVIDSON: He's the CSU, so he's
3 going to take a while and we have a lot of evidence.
4 I don't know if you wanted to break and go to the
5 bathroom now, or want me to make a start. It's just
6 up to you.

7 THE COURT: Well, what I was planning
8 to do was go for another 15 minutes, break for 15
9 minutes until 4:00 --

10 MS. DAVIDSON: Okay.

11 THE COURT: And then 4:00 we'll go to
12 5:00.

13 MS. DAVIDSON: Okay.

14 (Bench Conference Concluded.)

15 THE BAILIFF: The witness was sworn
16 earlier, Judge.

17 THE COURT: All right. Good afternoon,
18 Deputy Sams?

19 THE WITNESS: Good afternoon, sir.

20 THE COURT: Remember, you were sworn in
21 earlier. Remember to adjust the chair and
22 microphone. Remember the rule has been invoked.

23 THE WITNESS: Yes, sir.

24 THE COURT: And just answer as directly
25 as you can.

1 THE WITNESS: Yes, sir.

2 THE COURT: You may proceed.

3 MS. DAVIDSON: Thank you, Judge.

4 MICHAEL SAMS,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. DAVIDSON:

8 Q Can you introduce yourself to the ladies and
9 gentlemen of the jury.

10 A I'm Deputy Sams of the Harris County
11 Sheriff's Department crime scene division.

12 Q How long have you been with the Harris
13 County sheriff's office crime scene division?

14 A Since August of 2005.

15 Q As a crime scene officer with the Harris
16 County sheriff's office, can you tell the jury what
17 you do?

18 A I basically go in and investigate crime
19 scenes of a heinous nature. Usually there's a death
20 involved, or -- and also it could be like a bank
21 robbery, high profile type cases.

22 Q How long have you been a crime scene
23 investigator?

24 A Since 2005, August.

25 Q And what did you do pre-crime scene