

DAVID THOMAS - October 23, 2013
Further Recross-Examination by Mr. Easterling

1 MR. EASTERLING: Pass the witness, Judge.

2 MS. LOGAN: I think we're all done.

3 THE COURT: All right. You are excused.

4 Thank you.

5 State, would you please call your next
6 witness.

7 MS. LOGAN: Yes, Your Honor. The State
8 calls Sergeant West.

9 THE COURT: Let's take a two-minute
10 recess. Please remember your admonitions from the
11 Court.

12 *(Brief recess)*

13 *(Jury enters courtroom)*

14 THE COURT: Please be seated.

15 You may proceed.

16 MS. LOGAN: For the record, the State
17 would call Sergeant West. And this witness has
18 previously been sworn.

19 **GLEN WEST,**
20 having been first duly sworn, testified as follows:

21 **DIRECT EXAMINATION**

22 BY MS. LOGAN:

23 Q. Sir, would you please introduce yourself to the
24 folks on the jury?

25 A. My name is Sergeant Glen West.

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1 Q. We can see that you have a Houston Police
2 Department uniform on today with a very shiny gold
3 badge. Is that badge what tells us that you're a
4 Sergeant with HPD?

5 A. Yes, ma'am.

6 Q. Okay. How long have you been a sergeant?

7 A. About six years now.

8 Q. And what is your current assignment with HPD?

9 A. My current assignment is I'm a divisional
10 Internal Affairs investigator for the Special Operations
11 Division.

12 Q. About how long have you been a police officer
13 now?

14 A. Coming up on twenty-two years.

15 Q. And for a portion of your career with HPD, were
16 you assigned as a crime scene investigator?

17 A. Yes, ma'am.

18 Q. About how long did you do that?

19 A. Total, from start to finish, I was about ten
20 years as a crime scene investigator.

21 Q. Now to be a crime scene investigator, is there
22 some specialized training and experience that you have
23 that your average patrol cop is not going to get?

24 A. Yes, ma'am.

25 Q. Tell us about that.

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1 A. Well, we take classes. Once we get over there
2 on the scene preservation, we take fingerprint classes
3 so we can learn how to lift prints, look for prints and
4 lift prints from various locations and various items.

5 Also, we take firearms examination classes
6 and how to collect that kind of evidence and how to look
7 for it, how to collect DNA from various objects. And
8 we -- I've taken several classes on blood spatter
9 interpretation at crime scenes.

10 Q. So as the crime scene officer, is it your job
11 to collect evidence and then notate where that evidence
12 was found and then tag it into the property room for
13 safekeeping?

14 A. Yes, ma'am.

15 Q. All right. And on every investigation that you
16 go out on with the Houston Police Department, is there a
17 specialized, what we call, incident number that pertains
18 to that investigation?

19 A. Yes, ma'am, there is.

20 Q. Okay. And can you tell the folks on the jury,
21 for this capital murder case, do you recall what the
22 incident number was for this investigation?

23 A. The incident number? No, I don't recall the
24 actual incident number from this one.

25 Q. So --

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1 MS. LOGAN: May I approach this witness,
2 Judge?

3 THE COURT: You may.

4 Q. (By Ms. Logan) I'll show you a copy of the
5 offense report. Can you tell us, read into the record,
6 what the incident report number is for this case?

7 A. Yes, ma'am. The incident number is 092957606E,
8 Edward.

9 Q. Okay. Now when you're marking and collecting
10 and tagging evidence for a case such as this, do you
11 place that number on the evidence so that we know which
12 investigation it goes to?

13 A. I place it on the container or the baggage that
14 the evidence goes into.

15 Q. Okay. And then do the items remain in your
16 custody until you're able to tag them in the secured
17 property room?

18 A. Yes, ma'am. The items I collect, I keep in my
19 custody until I do that.

20 Q. All right. Now let me direct your attention to
21 June 15th of 2006. Do you recall being dispatched at
22 about 10:55 a.m. on that day?

23 A. Yes, ma'am.

24 Q. Okay. Now when you're a Crime Scene Unit, do
25 you have materials that other regular patrol officers

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1 don't have in their vehicle?

2 A. Yes, ma'am.

3 Q. Talk to us about that.

4 A. I know with me and the rest of our unit, we
5 carry -- we have a dolly. We have our office. Each
6 individual officer carries all his equipment he has to
7 help lift prints, to help locate evidence. We all have
8 it on a camera bag that we keep our camera in there, our
9 film evidence containers, a fingerprint kit and carry an
10 umbrella, different things I may need at a scene that I
11 don't keep in the vehicle because we share vehicles. So
12 these items I carry on a dolly. And once I get
13 dispatched to a scene, I'll carry that from the 24th
14 floor of 1200 Travis, our office building, we'll ride
15 the elevators down, go in our parking garage and get
16 into our vehicle.

17 And in the vehicle we have various items,
18 as well, like regular film. We were using 35-millimeter
19 film at the time; and that's also carried in there,
20 Polaroid cameras that are in there, tripods, ladders and
21 just various other equipment that we may need, bags,
22 plastic bags, paper bags.

23 Q. Now when you're handling and processing a crime
24 scene, do you take any measures so you don't contaminate
25 the location?

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1 A. Yes, ma'am.

2 Q. What are those measures?

3 A. We have -- well, on every scene we use latex
4 gloves, the blue latex gloves we use so we don't leave
5 fingerprints laying around. We have a mask if we need
6 to for -- some kind of paper mask. We'll have that. We
7 have booties we can put on our shoes. If we're in an
8 area we need to not contaminate, we'll do that, too.

9 Q. All right. And you mentioned you take all your
10 equipment down to your vehicle. Is it a Hummer like on
11 "CSI" on TV?

12 A. No, ma'am.

13 Q. Y'all don't get Hummers?

14 A. No, ma'am.

15 Q. What kind of vehicles are y'all driving?

16 A. At the time we had, I think, two vans, just
17 regular Econoline vans. I think I was driving a Ford
18 Expedition at the time.

19 Q. All right. So once you leave your office, tell
20 us approximately what time you arrived at the scene.

21 A. I left the office around 11:15, and I got there
22 around 11:36.

23 Q. All right. Now this jury has heard talk about
24 a convenience store, and they've also heard about a
25 scene with the woods and the bayou. What was the first

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1 place that you went to as the crime scene officer?

2 A. I went to 8935 Veterans Memorial.

3 Q. Okay. Now, that's going to be where the
4 convenience store is, right?

5 A. Yes, ma'am.

6 Q. Okay. Did you stop and process that scene
7 first, or what did you do?

8 A. When I arrived there, I spoke with the Homicide
9 investigators that were at the scene. And they
10 explained to me there were several other locations
11 nearby that have some evidence at that those locations.
12 So at the time we decided together that we would process
13 those scenes first, since we had officers standing by
14 those locations, and we would come back to this
15 convenience store.

16 Q. All right. And as far as the convenience
17 store, was that scene a little bit easier to contain and
18 keep people out of as opposed to the wooded area behind
19 these homes?

20 A. Yes, ma'am.

21 Q. All right. So at that point you proceed to
22 1575 Tarberry, correct?

23 A. That's correct.

24 Q. All right. That's a location in Harris County,
25 Texas, right?

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1 A. Yes, ma'am.

2 Q. And by the time you get there, are there other
3 officers already there on-scene?

4 A. Yes, ma'am.

5 Q. What did you do when you first arrived?

6 A. At 1575 Tarberry, I kind of looked around at
7 the residence, noticed it was a vacant residence. There
8 was a white car parked in the driveway. I photographed
9 the area around the house and behind the house, along
10 the bayou, as well.

11 MS. LOGAN: May I approach the witness,
12 Judge?

13 THE COURT: You may approach.

14 Q. (By Ms. Logan) I'd like to show you State's
15 Exhibits 58 through 62 and ask you whether or not you
16 recognize them?

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

18 Q. Now State's Exhibits 64 through 82?

19 A. Yes, ma'am, I recognize those.

20 Q. Okay. Do State's Exhibits 58 through 62 and 64
21 through 82 fairly and accurately depict the scene that
22 you were dispatched to June 15th of 2006?

23 A. Yes, ma'am.

24 Q. All right.

25 MS. LOGAN: At this time I would offer

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1 these exhibits into evidence. I'm tendering to defense
2 counsel for inspection.

3 MR. EASTERLING: No objection, Your Honor.

4 THE COURT: State's 58 through 62 and 64
5 through 82 are admitted without objection.

6 You may publish.

7 MS. LOGAN: Thank you, Your Honor.

8 Q. (By Ms. Logan) All right. Sergeant West, let
9 me show you State's Exhibit No. 60 here. You mentioned
10 a car and a vacant house. Is that what we're looking at
11 here in this exhibit?

12 A. Yes, ma'am.

13 Q. Okay. And we see this yellow tape around here.
14 Did you put that up or someone else did that?

15 A. No, ma'am, I did not. Somebody else must have.

16 Q. And is that typical crime scene tape that's
17 used to kind of cordon off an area?

18 A. Yes, ma'am.

19 Q. State's Exhibit No. 61, what are we looking at
20 here?

21 A. Another view of the same vehicle in that
22 driveway.

23 Q. All right. Now, to your knowledge, was that
24 car processed at a later point in time by another crime
25 scene officer to see if we could get any evidence of

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1 value from that location?

2 A. Yes, ma'am, it was.

3 Q. Okay. And to your knowledge, were we able to
4 obtain any fingerprints or evidence from that car that
5 assisted us in this investigation?

6 A. I don't have any knowledge of that, ma'am.

7 Q. Okay. So, to your knowledge, we did not?

8 A. Yes, ma'am. I have no idea.

9 Q. Okay. All right. Now State's Exhibit No. 64,
10 tell us what we're looking at here in this photograph.

11 A. That is along the bayou behind 1575 Tarberry.
12 To the left of this picture is the back of the
13 residence, and to the right is the bayou.

14 Q. Okay. Now State's Exhibit No. 65, is this the
15 area that you're referring to as the bayou?

16 A. Yes, ma'am.

17 Q. And I'm from Louisiana, so I say bayou. Where
18 are you from?

19 A. Here in Houston.

20 Q. Okay. Well, you're saying it wrong.

21 Now, let me show you State's Exhibit
22 No. 66. What do we see here in the front of this
23 picture?

24 A. Some debris. I think it's garbage, maybe a
25 mattress, shopping cart and just some trash items that

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1 was -- I think was made into, like, a makeshift bridge
2 across the water section of the bayou.

3 Q. So there was a way to cross the area that we
4 were referring to as the bayou?

5 A. Yes, ma'am.

6 Q. Okay. Now State's Exhibit No. 67, what are we
7 looking at here?

8 A. That's a photograph of -- on the other side of
9 the bayou from where I took those previous pictures.
10 There is a trail from the bayou to the neighborhood.

11 Q. Okay. Now as you enter that trail, we see
12 State's Exhibit No. 68 here; and we can see that there
13 is something right here in this area, kind of a dark
14 area in that tree. Can you tell that from the picture?

15 A. Yes, ma'am. I can see the dark item in the
16 picture.

17 Q. Okay. Tell us what you're documenting here in
18 this photograph.

19 A. I'm documenting here -- I believe it's going to
20 be the black sweater that is along the west side of that
21 little trail a few feet off the trail.

22 Q. Okay. So if we kind of really zoom in here,
23 we're talking about this item that's sort of right here,
24 right?

25 A. Yes, ma'am. Yes, ma'am.

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1 Q. Okay. All right. That's State's Exhibit
2 No. 68. Now if we look here at State's Exhibit No. 69,
3 what are we looking at in this photograph?

4 A. I'm standing on this trail. I'm facing south,
5 taking a picture where these -- about 9000 Prairie View.

6 Q. Now is this the dead-end street that we can see
7 on the big map that's nearby to this crime scene?

8 A. Yes, ma'am. I'm guessing you're referring to
9 these maps up front here?

10 Q. Right. And let me show you --

11 MS. LOGAN: May I approach the witness,
12 Judge?

13 THE COURT: You may.

14 Q. (By Ms. Logan) So if we use State's Exhibit
15 No. 4 here, the big map, can you show us where that
16 dead-end is that we see here in State's Exhibit 69?

17 A. Yes, ma'am. It's right here at this location.

18 Q. All right. So that's where this barricade is
19 that we see here in this photograph?

20 A. Yes, ma'am.

21 Q. Now State's Exhibit No. 73, can you tell us
22 what our point of view is in this photograph?

23 A. Yes, ma'am. I'm standing at the intersection
24 of DeWalt and Prairie View, and I'm shooting the picture
25 facing north.

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1 Q. So that would be the same dead-end that we were
2 just talking about in State's Exhibit No. 69?

3 A. That is correct.

4 Q. Now State's Exhibit No. 70 here, we can see
5 some red flags in the photograph. Who put those there?

6 A. I did.

7 Q. Why did you do that?

8 A. Make it a little easier to see the evidence
9 that I had found along this little trail.

10 Q. Now when you learned about this evidence and
11 its locations, was that because you talked to Deputy
12 Thomas, the K-9 officer?

13 A. Yes, ma'am, and Officer Brown with the Homicide
14 Division.

15 Q. So you-all actually went out there and walked
16 the path where these items were located?

17 A. Yes, ma'am.

18 Q. Okay. And we can see, you know, a red flag
19 here at the very bottom of the page. Can you tell the
20 folks on the jury what item of evidence you located
21 there?

22 A. Yes, ma'am. This first flag is a white latex
23 glove.

24 Q. And we see a second flag here.

25 A. Yes, ma'am. That is also a white latex glove.

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1 Q. Okay. And then if you look a little deeper
2 into the picture, you can see sort of in the bush area
3 there is another flag. So let me show you State's
4 Exhibit 74, which is a close-up of that item, correct?

5 A. Yes, ma'am.

6 Q. All right. And what is it we're looking at
7 here in this area?

8 A. That would be the -- it's the west side of that
9 little trail. That's going to be the black sweater or
10 sweatshirt.

11 Q. Okay. Now State's Exhibit No. 75. Tell the
12 folks on the jury what we're looking at in this picture.

13 A. I'm taking a picture of this residence. The
14 address, it's 1092 DeWalt. And in the picture in the
15 grass along the inside of that ditch is a black pullover
16 T-shirt.

17 Q. And when you say pullover T-shirt, are we just
18 talking about like a regular T-shirt?

19 A. Yes, ma'am.

20 Q. Okay. Not something with a hood or something
21 like that, right?

22 A. That's correct. Just a T-shirt.

23 Q. And so, was that the location where you and
24 Deputy Thomas spoke about him finding that evidence?

25 A. Yes, ma'am.

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1 Q. Okay. And what is your understanding of how
2 that evidence was located?

3 MR. EASTERLING: Objection, hearsay.

4 THE COURT: Sustained.

5 MS. LOGAN: That's fine.

6 Q. (By Ms. Logan) So let's look at State's
7 Exhibit No. 76. What is our point of view here?

8 A. I'm standing in the -- along the roadway facing
9 north along DeWalt. To the left is 1092 DeWalt, and to
10 the right is a vacant field.

11 Q. Now after you and I met in preparation for this
12 case, did you go ahead and drive out there to take
13 another look at this location?

14 A. Yes, ma'am.

15 Q. All right. And how has it changed now as
16 opposed to the way it was back in 2006?

17 A. Now there is a brick residence in this vacant
18 field here to the right.

19 Q. And can we -- you know, if you look hard, can
20 you kind of see some of the stakes in the grass.

21 A. Yes, ma'am.

22 Q. Those are not items that were placed there by
23 you to mark evidence, were they?

24 A. No, ma'am, they're not.

25 Q. Okay. So if we look at State's Exhibit No. 77,

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1 what is this area?

2 A. I'm standing in the same place as the previous
3 picture. I just panned a little to my right to get more
4 of a picture of that vacant field.

5 Q. Okay. And we can see State's Exhibit No. 78.
6 What's that a photograph of?

7 A. It's the same vacant field, but I'm back in the
8 corner of that tree line. I'm kind of facing southwest.
9 That house in front or in the middle of the picture,
10 that's 1092 DeWalt. So, I'm standing right there where
11 there is some other evidence found on that tree line.

12 Q. All right. State's Exhibit No. 79, what do we
13 see here?

14 A. We see brush. There is a tree to the left, and
15 at the base of that tree there is some clothing.

16 Q. I'll zoom in here. Is that what you're talking
17 about with the clothing?

18 A. Yes, ma'am.

19 Q. State's Exhibit No. 80, another close-up of the
20 clothing, right?

21 A. Yes, ma'am.

22 Q. And then if we look at State's Exhibit No. 81,
23 what two items of clothing did you recover from this
24 location?

25 A. It was those pants, that brown leather belt and

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1 this gray shirt. It was like a gray work shirt. It had
2 a Toyota patch on the chest. It was a button-down. We
3 found a brown paper money wrap was near these items, as
4 well. And there was also a green lighter, a cigarette
5 lighter found nearby.

6 Q. Okay. All right. Now when you are going and
7 collecting these items of evidence, are you just putting
8 them all together and letting somebody else figure out
9 who they belong to, or how are you securing those items
10 of evidence?

11 A. I secure the items found, like, in this
12 picture, that last picture we just saw -- I'll secure
13 those in a bag together. They were found together, so
14 I'm going to kind of keep them together. Items found on
15 that trail, they're packaged up individually, as well,
16 separate from those other pieces of clothing. I'll seal
17 them and put my initials on them so they don't get
18 cross-contaminated with each other.

19 Q. And you don't shake them out or do anything
20 like that?

21 A. No, ma'am. I'm very careful to move them into
22 a paper bag or box.

23 Q. And why is that?

24 A. Well, I don't want to lose any evidence that
25 may be on them by just shaking them loose. Could be

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1 anything on there, piece of hair, anything. So I'm real
2 careful to keep it still and move it into the bag.

3 Q. Okay. You know that the robbery/murder took
4 place at approximately 10:30 in the morning on June 15th
5 of 2006. About what time in the afternoon are you
6 collecting and taking care of this evidence?

7 A. It's right around 1:00 o'clock maybe. If I got
8 there at 11:30, 11:35, 11:36, then it's going to be
9 shortly after I'm processing this scene where these
10 items are. It may take me an hour or so, maybe a little
11 longer. And then I'll go to the actual scene itself
12 after that.

13 Q. And is that because you take your pictures
14 first, right?

15 A. At each scene I'll take my pictures first and
16 then collect the evidence.

17 Q. All right. So a couple of hours has passed
18 between the robbery/murder and when you are taking into
19 your care, custody and control the evidence in this
20 case?

21 A. Yes, ma'am.

22 Q. Okay. Now do you recall collecting a black
23 stocking and a baseball cap in this case?

24 A. Yes, ma'am.

25 MS. LOGAN: May I approach the witness,

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1 Judge?

2 THE COURT: You may approach.

3 Q. (By Ms. Logan) I'm going to show you what I've
4 marked the containers -- the container as State's
5 Exhibit Nos. 105 and 106. Do you recognize those
6 containers?

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

8 Q. Do those containers have the unique incident
9 number that pertains to this case?

10 A. Yes, ma'am, it does.

11 Q. Does it have your handwriting on it?

12 A. Yes, ma'am.

13 Q. And does it also have the location where the
14 items of evidence were recovered?

15 A. Yes, ma'am, it does. The black stocking has
16 the actual location written on there as the black
17 baseball cap. It's not written on where I found it; but
18 it was the only black baseball cap I collected at the
19 scene, so I know where it was found.

20 Q. And how did these items, including those we see
21 on counsel table over there in the packaging -- how did
22 they get to court today?

23 A. What I checked at the scene, of course, I'll
24 package them up. I'll take these to wherever they need
25 to go. If they need to go to prints, I'll take them to

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1 the latent lab. They're secured there, or I'll take it
2 to our property room and secure them there. And then
3 they can be retrieved by me later. So I went by the
4 property room and picked these up and brought them to
5 court today.

6 Q. Okay. So the time between when you left them
7 at the property room and they went for testing or
8 analysis, if they did, to today when they came to court,
9 they've been secure and kept in the property of the
10 Houston Police Department?

11 A. Yes, ma'am.

12 Q. Is that a locked facility that the general
13 public doesn't have access to?

14 A. That is correct.

15 Q. Okay.

16 MS. LOGAN: At this time, Your Honor, I
17 would offer into evidence State's Exhibits 105, 106.
18 I'm tendering to defense counsel for inspection.

19 MR. EASTERLING: No objection to the
20 items, Judge.

21 THE COURT: State's 105 and 106 are
22 admitted.

23 You may publish.

24 MS. LOGAN: Thank you, Judge.

25 Q. (By Ms. Logan) So, for the record, State's

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1 Exhibit No. 106, can you describe that item for the
2 jury?

3 A. Yes, ma'am. It's a black baseball cap.

4 Q. Okay. And where at this location did you
5 recover that black baseball cap?

6 A. That one was recovered behind the residence of
7 1575 Tarberry where that white vehicle was. It was
8 along the bayou.

9 Q. Okay. And State's Exhibit No. 105, which I'm
10 holding up here, tell the folks on the jury what that
11 is.

12 A. Yes, ma'am. That's a black, like a stocking.

13 Q. Okay. And where did you locate this item?

14 A. I found that near where the black baseball cap
15 was behind 1575 Tarberry along the bayou.

16 Q. Now let's talk about the items that you found
17 in the 9000 Prairie View area. Earlier we looked at a
18 photograph. That's going to be the dead-end, right?

19 A. Yes, ma'am.

20 Q. Okay. Tell us what items of evidence you
21 located from that spot.

22 A. Yes, ma'am. I recovered a total of five white
23 latex gloves, a wig, and then I also found a black
24 sweatshirt. Under the black sweatshirt was another
25 stocking, black stocking. And like I said, I found

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1 three latex -- white latex gloves individually along the
2 trail. We saw pictures of it. And then two more were
3 found underneath the black sweater and stocking.

4 MS. LOGAN: May I approach the witness,
5 Judge?

6 THE COURT: You may approach.

7 Q. (By Ms. Logan) I'm going to hand you what I've
8 marked as State's Exhibit No. 100. Do you recognize
9 that?

10 A. Yes, ma'am.

11 Q. Does it have your handwriting and the incident
12 number that pertains to this case?

13 A. Yes, ma'am.

14 Q. Does it also include the location where that
15 item of evidence was found?

16 A. Yes, ma'am, it does.

17 Q. Okay. State's Exhibit No. 101, do you
18 recognize it?

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

20 Q. Okay. Does it include the incident number and
21 the location where it was found?

22 A. Yes, ma'am.

23 Q. And finally, I've got an envelope here, which I
24 will open the contents of that envelope. Can you tell
25 us whether you recognize those items?

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1 A. Yes, ma'am, I recognize these except for this
2 clear plastic baggie.

3 Q. Okay. Does that look like it might be from the
4 trace lab?

5 A. Yes, ma'am, I believe it is.

6 Q. Okay. All right. So with respect to -- it
7 looks like we have five separate paper baggies here,
8 right?

9 A. Yes, ma'am.

10 Q. What do each of those contain?

11 A. This one here contains a pair, so two white
12 latex gloves. And this pair was found underneath the
13 black sweatshirt there. This other one here, this is
14 the small black stocking found underneath that black
15 sweatshirt at 9000 Prairie. And these three items here,
16 each one of these contains one white latex glove that
17 was found on that trail at the dead-end at 9000 Prairie.

18 Q. I'm going to mark these five containers as
19 State's Exhibits 95, 96, 97, 98 and 99. Do each of
20 these containers also have the incident number and
21 location that they were retrieved from?

22 A. Yes, ma'am, they do.

23 Q. Okay.

24 MS. LOGAN: So I'll offer State's 100 and
25 101. I'll tender them to defense counsel.

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1 MR. EASTERLING: No objection to those
2 items.

3 THE COURT: Okay. 100 and 101 are
4 admitted.

5 MS. LOGAN: And then I am also going to
6 open and offer State's Exhibits 95 through 99. I'm
7 tendering those to defense counsel for inspection. For
8 the record, State's 95 is going to be the second black
9 stocking, 96 is going to contain two latex gloves, 97
10 contains one latex glove, 98 contains one latex glove,
11 and 99 contains one latex glove. I'm going to offer 95
12 through 99 into evidence.

13 MR. EASTERLING: No objection, Your Honor.

14 THE COURT: Okay. State's 95 through 99
15 are admitted into evidence.

16 Q. (By Ms. Logan) So these items that we just
17 talked about, State's 95 through 101 collectively, they
18 were all retrieved from the same general location; is
19 that correct?

20 A. Yes, ma'am.

21 Q. Okay. And what was the address of that
22 location?

23 A. It was at the dead-end of 9000 Prairie View.

24 MS. LOGAN: May I approach the witness,
25 Judge?

