

1 DONNA WILLIAMS,

2 having been first duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. SANCHEZ:

5 Q. Good afternoon.

6 A. Good afternoon.

7 Q. Could you state your name for the record?

8 A. Donna Williams.

9 Q. Ms. Williams, how are you employed?

10 A. I'm a forensic chemist at Harris County  
11 Institute of Forensic Sciences.

12 Q. And how long have you been employed there?

13 A. I've been employed there for about eight and a  
14 half years.

15 Q. What is your job at the Harris County Institute  
16 of Forensic Sciences?

17 A. Simply put, my job is to identify controlled  
18 substances or any drug evidence that's submitted to the  
19 laboratory, either through processing, analysis,  
20 technical review and to provide expert witness  
21 testimony.

22 Q. Now, what is the process for you identifying a  
23 controlled substance?

24 A. It's a two-step process. The first process is  
25 the actual processing of the evidence, which in this

1 case I was not part of doing that. The second step is  
2 to review the data that was generated through the  
3 processing of the evidence and determine what was  
4 present, write the report, and submit that for review.

5 Q. Now, do you know who was involved in the actual  
6 processing of the evidence?

7 A. I do.

8 Q. Who is that?

9 A. LaToya Binder.

10 Q. And to your knowledge, did LaToya testify right  
11 before you?

12 A. Yes, she did.

13 Q. So did you conduct analysis in this case?

14 A. I did.

15 Q. And what does that analysis lead you to  
16 conclude?

17 A. It concluded that Item 1-A, as listed on our  
18 laboratory report, was cocaine, confirmed; and  
19 tetramisole, not confirmed. There are other items  
20 listed in the report, as well, that either did not have  
21 analysis performed or did not have confirmatory analysis  
22 performed.

23 Q. Now, did you record these results in a report?

24 A. Yes, I did.

25 MR. SANCHEZ: Your Honor, may I approach?

1 THE COURT: You may.

2 Q. (BY MR. SANCHEZ) I'm showing you what's been  
3 premarked as State's Exhibit 6. Do you recognize this?

4 A. I do.

5 Q. What is it?

6 A. Our laboratory report.

7 Q. Is that the report that you generated for this  
8 case?

9 A. Yes, it is.

10 Q. Does it accurately represent what the report  
11 looks like?

12 A. Yes, it does.

13 MR. SANCHEZ: State offers State's  
14 Exhibit 6 and tenders to defense counsel.

15 MR. VAN BUREN: No objection, Your Honor.

16 THE COURT: Thank you. State's 6 is  
17 admitted.

18 MR. VAN BUREN: Your Honor, may I publish?

19 THE COURT: You may.

20 Q. (BY MR. SANCHEZ) Ms. Williams, can you tell the  
21 jury how to read this, just so we understand?

22 A. Certainly. At the stop starting right here,  
23 I think -- if I can mark it?

24 Q. You can mark it with your finger. There you  
25 go.

1           A.     That lists the laboratory report number. That  
2 is a unique identifier that's assigned to a case as it's  
3 submitted to our laboratory for analysis. The second  
4 section here is the suspect section which just is  
5 information that is provided to us through a submission  
6 form from the agency that submits the evidence. The  
7 section below that is the information that is provided  
8 also from the agency regarding who the case officer is,  
9 which agency submitted the evidence, as well as their  
10 offense report number. Below that is the submission  
11 information.

12                                 So in this case there were one, two,  
13 three, four -- five plastic evidence bags submitted for  
14 analysis. It also has the submitting officer's name and  
15 the date of submission. And below that is everything  
16 that's generated by the laboratory which includes the  
17 descriptions of the evidence as the processor saw the  
18 evidence, the results of the analysis and the weights.

19           Q.     And I just want to be clear. Right here where  
20 I'm pointing my finger it says this is a 99.73 percent  
21 level of confidence. What is that?

22           A.     That's actually referring to the weight that's  
23 listed on there. Simply put, that means if we were to  
24 weigh that same piece of evidence 100 times, 99.73  
25 percent of the time it's going to fall within 6 mg of

1 the weight that's reported on there.

2 MR. SANCHEZ: Pass the witness, Your  
3 Honor.

4 MR. VAN BUREN: No questions, Your Honor.

5 THE COURT: You are excused. Thank you so  
6 much for your testimony.

7 THE WITNESS: Thank you.

8 THE COURT: Next witness, please.

9 MR. SANCHEZ: Your Honor, at this time the  
10 State rests.

11 THE COURT: All right. Very well. Ladies  
12 and gentlemen, if you'll go with the bailiff, we have a  
13 matter to take up outside of your presence. I'll have  
14 you right back out so don't get too comfortable.

15 THE BAILIFF: All rise.

16 THE COURT: You may be seated. Thank you.

17 *(Jury not present.)*

18 THE COURT: Does the defense have anything  
19 it wishes to place on the record at this time?

20 MR. VAN BUREN: Yes, Your Honor. Based on  
21 the evidence or the lack of evidence that the Court has  
22 heard in this matter, the State would move for a  
23 directed verdict at this time, finding Mr. Carr not  
24 guilty, take it out of the hands the jury. The evidence  
25 does not rise to the level of a guilty proof beyond a