

1 participate?

2 A. No, ma'am.

3 Q. Did you want any of you-all to get caught?

4 A. No, ma'am.

5 Q. But all of you did, correct?

6 A. Yes, ma'am.

7 MS. DEVINE: Your Honor, I'll pass the  
8 witness.

9 THE COURT: Mr. Loper.

10 MR. LOPER: I don't have anything further,  
11 Judge.

12 THE COURT: You may step down, sir.

13 State call your next witness.

14 MS. DEVINE: Your Honor, at this time the  
15 State calls Deputy Dennis Wolford.

16 (Witness sworn)

17 MS. DEVINE: May I have just a moment?

18 THE COURT: Okay.

19 (Pause)

20 MS. DEVINE: May I proceed, Your Honor?

21 THE COURT: All right. Go.

22 **DENNIS WOLFFORD,**

23 having been first duly sworn, testified as follows:

24 **DIRECT EXAMINATION**

25 **BY MS. DEVINE:**

1 Q. Good morning, Deputy.

2 A. Good morning.

3 Q. Could you please introduce yourself to the  
4 ladies and gentlemen of the jury?

5 A. My name is Deputy Dennis Wolfford.

6 Q. And, Deputy Wolfford, are you a certified peace  
7 officer in the state of Texas?

8 A. Yes, ma'am, I am.

9 Q. How long have you been so?

10 A. Since 1998.

11 Q. And who do you work for?

12 A. The Harris County Sheriff's Office.

13 Q. Why are you not in a uniform?

14 A. I'm a homicide investigator. We work in plain  
15 clothes, shirt and tie.

16 Q. How long have you been assigned to the Homicide  
17 Division?

18 A. Approximately five years.

19 Q. And prior to that, where were you assigned  
20 within the sheriff's department?

21 A. A residential burglary task force. We  
22 investigated Columbian organized crime, is a lot of what  
23 I did.

24 Q. Have you spent your entire 14 years as a peace  
25 officer with the Harris County Sheriff's Office?

1           A.    Yes, I have.

2           Q.    And prior to being assigned to the residential  
3 burglary task force, where were you assigned?

4           A.    Patrol.

5           Q.    Is that typically a uniform, marked patrol  
6 unit, that kind of thing?

7           A.    Yes, ma'am, responding to calls.

8           Q.    Can you tell the jury what your duties are as  
9 an investigator assigned to the Homicide Division?

10          A.    We are dispatched to Homicide scenes or death  
11 scenes.  From that point, we're charged with  
12 investigating the crime.

13          Q.    How is the Homicide Division set up?

14          A.    There are four squads in the Harris County  
15 Sheriff's Office Homicide Division, each with an  
16 administrative sergeant and at least four investigators  
17 to each squad.  We work in a monthly rotation where once  
18 a month for a week a particular squad will have the  
19 nightshift call-out.

20          Q.    What are your regular duty hours?

21          A.    10:00 a.m. to 6:00 p.m.

22          Q.    So, if anything -- if there are any death  
23 scenes that happen during that period, are you called to  
24 investigate those?

25          A.    I am.  In addition to the once-a-month

1 nightshift call-out, we are responsible for 12:00 p.m.  
2 to 6:00 p.m. Monday through Friday.

3 Q. Have you had an opportunity to investigate  
4 death scenes on few or many occasions in your five  
5 years?

6 A. Many.

7 Q. Have you been the lead investigator on some  
8 scenes?

9 A. Yes, I have.

10 Q. Have you been, for lack of a better term, a  
11 secondary investigator on some scenes?

12 A. Yes, I have.

13 Q. Okay. Just for clarification, does typically  
14 the entire squad get involved in a homicide  
15 investigation if it's a little bit complicated?

16 A. Yes.

17 Q. Okay. So, it's usually more than just you?

18 A. Yes, ma'am.

19 Q. I'd like to direct your attention back to  
20 December 3rd, 2009, in the early morning hours. Were  
21 you on your call-out at that time?

22 A. Yes, I was.

23 Q. Did you receive a call from your supervisor?

24 A. Yes, ma'am, I did.

25 Q. Who was that?

1           A.    Sergeant Ben Beall.

2           Q.    And were you assigned as the lead investigator  
3 on a homicide scene here in Harris County?

4           A.    Yes, ma'am.

5           Q.    Did Sergeant Beall provide you with  
6 information, without going into anything specific that  
7 he told you?

8           A.    Yes, he did.

9           Q.    And based -- as the lead investigator, what are  
10 your responsibilities?

11          A.    I'm basically the coordinator of the case.  A  
12 large scene such as this one was, with multiple homicide  
13 investigators dispatched to that scene, it is my job  
14 then to direct them in what I feel needs to be done.

15          Q.    Do you yourself do work as well?

16          A.    Yes, I do.

17          Q.    And did you, in fact, do that in this -- on  
18 this occasion?

19          A.    Yes, ma'am, I did.

20          Q.    Based on the call from Sergeant Beall, where  
21 did you go?

22          A.    2519 Cadiz Circle.

23          Q.    And if I could direct your attention to the  
24 screen to your left or your right, is that what we're  
25 seeing on the screen in State's Exhibit No. 3

1 (indicating)?

2 A. Yes, ma'am.

3 Q. Okay. What's the first thing you see when you  
4 get there?

5 A. The entire roadway, maybe 100 yards to the -- I  
6 guess that would be the east of the crime scene was  
7 cordoned off with crime scene tape. There were numerous  
8 marked patrol units. There were witnesses being  
9 detained on the rear seats of marked patrol cars.

10 Q. Is that pretty common by the time Homicide  
11 arrives on the scene?

12 A. Yes, ma'am.

13 Q. And what's the importance to you, as the lead  
14 investigator, of the scene being in that condition when  
15 you get there?

16 A. The crime scene tape is for scene integrity.  
17 That way nobody is entering or leaving the scene once  
18 the sheriff's office has arrived. It basically keeps  
19 the evidence from being contaminated.

20 Q. Now, when you first get there, what do you do?

21 A. I speak with the patrolman who is going to be  
22 entering the initial offense report. I believe in this  
23 case it was Deputy Strech.

24 Q. And does he provide you information about how  
25 he found the scene when he arrived?

1           A.    Yes, he did.

2           Q.    Is there a Crime Scene Unit on location at this  
3 point?

4           A.    I believe Deputy Michael Sams was there.

5           Q.    Have you worked with Deputy Sams before?

6           A.    Yes, I have.

7           Q.    And do you talk to him -- at that point in time  
8 has he had an opportunity, based on your conversations  
9 with him, to assess what he's got out there?

10          A.    Yes, he was -- when I arrived, he was, I  
11 believe, in the process of marking the known evidence.

12          Q.    Do you then talk to him?

13          A.    Yes, I did.

14          Q.    And then do you walk through the scene?

15          A.    Deputy Sams escorted me through the scene and  
16 pointed out the known evidence at that time.

17          Q.    Why is that important to you?

18          A.    When I speak to witnesses or suspects  
19 eventually, I want to know what the scene looks like so  
20 that I can judge whether or not, you know, they're being  
21 truthful.

22          Q.    Now, to the best of your knowledge, based on  
23 the information you got when you got there, were there  
24 any suspects on scene?

25          A.    There were not.

1           Q.    But I believe you said there were some  
2 witnesses on scene?

3           A.    Yes, there were.

4           Q.    Did you direct that those witnesses be spoken  
5 to just to gather the extent of what they knew?

6           A.    Yes.

7           Q.    And who did that?

8           A.    Sergeant Mark Reynolds.

9           Q.    And is he a member of your squad?

10          A.    Yes, he is.

11          Q.    What do you observe in the body of the culdesac  
12 itself?

13          A.    There were numerous shell casings.  There was  
14 blood in the area of the residence of 2519 Cadiz Circle.  
15 There was also evidence of medical intervention by EMS.

16          Q.    Are you then taken to any of the houses in the  
17 culdesac?

18          A.    Yes, I walked up on the -- basically, the front  
19 porch area of both residences.  I did not enter either  
20 residence.

21          Q.    Did you have any information on the condition  
22 of the complainant at that time, Juan Rodriguez?

23          A.    At that time -- I believe it was right around  
24 that time I was contacted or I was told by a Crime Scene  
25 Unit that the complainant had died while en route to the



1 hospital by ambulance.

2 Q. Now, when you went up to the front porch of  
3 2522 Cadiz Circle, which would be on the right-hand side  
4 of our -- of the map, what did you observe when you  
5 walked up there and looked around?

6 A. The front door was kicked in. I believe the  
7 frame of the door was obviously shattered.

8 Q. Did you find any people in or around that house  
9 at that point in time?

10 A. No, ma'am.

11 Q. What were the names of the witnesses that you  
12 directed Sergeant Reynolds to speak to out there on the  
13 scene that night?

14 A. Definitely advised him to speak with Phillip  
15 Norwood and Charlotta Stevens.

16 Q. Was there another female on -- that was being  
17 detained at that point as a witness?

18 A. Yes. Crystal Scott.

19 Q. And was there anybody related to the  
20 complainant on scene?

21 A. Yes. His ex-wife was there.

22 Q. And what was her name? If I said Olga  
23 Contreras, would that be --

24 A. That would be it. I apologize. Olga  
25 Contreras.

1 Q. Now, are formal statements taken from the  
2 witnesses at this point?

3 A. I conducted an audio recorded interview with  
4 Crystal Scott while seated in my car on the scene.

5 Q. Why do you speak to them at that point?

6 A. Number one, I need to know if there's  
7 additional evidence on the scene that we're not aware  
8 of, that's not obvious to us that needs to be collected.

9 Q. While you were on scene in Cadiz Circle -- or  
10 on the scene at Cadiz Circle, do you learn that there is  
11 another location that is relevant to this scene?

12 A. Yes, ma'am.

13 Q. And how do you learn of that location?

14 A. I was -- became aware that the Houston Police  
15 Department had been involved in a pursuit with a vehicle  
16 that matched the description of the vehicle seen fleeing  
17 this incident.

18 Q. Had you gotten a vehicle description while you  
19 were on scene out there?

20 A. Yes, I had.

21 Q. And based on the information that you learned  
22 from the Houston Police Department, what did you do?

23 A. I contacted my supervisor, Ben Beall, and asked  
24 him to send in an additional homicide investigator to  
25 the location where this vehicle was recovered.

1 Q. And what location was that?

2 A. It was the intersection of Rollins and Homer,  
3 or approximately in that area.

4 Q. About how far driving distance is it, if you  
5 can estimate, from the scene on Cadiz Circle to this  
6 area of Rollins and Homer?

7 A. Five to ten miles, tops.

8 Q. Who goes to that scene?

9 A. Homicide Investigator Deputy Russell Gonzales.

10 Q. At some point do you have contact with Deputy  
11 Gonzales regarding the status of things at that scene?

12 A. Yes, I did.

13 Q. Does he identify for you whether or not any  
14 suspects have been taken into custody?

15 A. Yes, he did.

16 Q. And did he provide you with a name?

17 A. He did.

18 Q. Okay. And did you later come to -- come  
19 face-to-face with the person that Deputy Gonzales had  
20 identified?

21 A. Yes, I did.

22 Q. Do you see that person in the courtroom?

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

24 Q. Can you point to that person and identify an  
25 article of clothing that they're wearing?

1           A.    A white shirt.

2                       MS. DEVINE:  Your Honor, may the record  
3 reflect the witness has identified the defendant?

4                       THE COURT:  Yes.

5           Q.    (By Ms. Devine) Do you give Deputy Gonzales  
6 instructions with regard to this defendant?

7           A.    Yes.  I requested that he have Theadric Lee  
8 transported to the Homicide Unit office at 601 Lockwood.

9           Q.    Do you ever make that scene at Homer and  
10 Rollins or any other surrounding locations?

11          A.    Not on that day I didn't.

12          Q.    At some point in time do you direct that the  
13 house at 2522 Cadiz be searched?

14          A.    Yes, I do.

15          Q.    How does that come about?

16          A.    We were unable to determine a person that had  
17 care, custody, control of the residence, so I directed  
18 that a search warrant be obtained from the district  
19 attorney's office and signed by a judge.  I directed  
20 Deputy Jason Brown to do that.

21          Q.    And did that happen?

22          A.    Yes, it did.

23          Q.    Did you become aware that at least one weapon  
24 may have been used in this robbery and this shooting?

25          A.    Yes.

1 Q. Okay. And what weapon was that?

2 A. An AR-15 assault rifle.

3 Q. Did you have an opportunity to view that weapon  
4 after it was seized?

5 A. Yes, I did.

6 MS. DEVINE: Your Honor, may I approach the  
7 witness?

8 THE COURT: Yes.

9 Q. (By Ms. Devine) Showing you what's been entered  
10 into evidence as State's Exhibit No. 195. Do you  
11 recognize this item (indicating)?

12 A. Yes, I do.

13 Q. And what is this?

14 A. This is an AR-15 assault rifle.

15 Q. Okay. Are there identifying marks on this  
16 weapon?

17 A. Yes, there is.

18 Q. And what kind of identifying marks?

19 A. A case number.

20 Q. On the weapon itself.

21 A. Oh. There's a serial number on the case -- on  
22 the weapon. I'm sorry.

23 Q. Based on information that you learned during  
24 the course of your investigation, did you give another  
25 deputy some instructions with respect to this weapon?

1 A. Yes, I did.

2 Q. And who was that officer?

3 A. Deputy Corey Friedrich.

4 Q. And what did you ask him? What did you ask him  
5 to do?

6 A. I asked him to go to the Academy store located  
7 at I-10 East and Uvalde Road and determine whether or  
8 not that weapon was sold at that store.

9 Q. And did Deputy Friedrich return back to you at  
10 some point -- when did this happen, actually?

11 A. I believe that was approximately 9:00 a.m. in  
12 the morning of December 3rd.

13 Q. So, seven or so hours after --

14 A. Right.

15 Q. -- this happened?

16 Deputy Wolford, I'm showing you what's  
17 been marked as State's Exhibit No. 200. Do you  
18 recognize this document (indicating)?

19 A. Yes, I do.

20 Q. And where do you recognize those documents  
21 from?

22 A. These are the documents that were provided to  
23 me by Deputy Corey Freidrich which came from the Academy  
24 store.

25 Q. And what do these documents -- what did these

1 documents do for you with respect to State's 195, the  
2 AR-15?

3 A. These documents told me that rifle was  
4 purchased at the Academy store by Theadric Lee on the  
5 night of December 2nd, 2009.

6 Q. And that's the defendant that you've identified  
7 in court?

8 A. Yes.

9 Q. Did he also -- did he bring you something else  
10 from the Academy?

11 A. He brought me a xeroxed copy of a -- of a -- of  
12 boxes of Monarch ammunition identical to the ones  
13 purchased by Theadric Lee along with that rifle.

14 Q. Anything else that he brought you from the  
15 Academy?

16 A. Video, video surveillance.

17 Q. Did you have an opportunity to review that  
18 video during the course of your investigation?

19 A. Yes, I did.

20 Q. And who did you see on that video purchasing  
21 that AR-15 in the Academy store on December 2nd, 2009?

22 A. Theadric Lee.

23 Q. This defendant?

24 A. Yes.

25 Q. Now, during the course of your investigation,

1 any homicide investigation, is it the primary goal to  
2 identify a suspect or suspects in an investigation?

3 A. Yes.

4 Q. And did you, in fact, attempt to do that in  
5 this investigation?

6 A. Yes.

7 Q. What -- were you provided basic information as  
8 far as -- well, did you have an idea as your  
9 investigation proceeds how many suspects were involved  
10 in this robbery and shooting?

11 A. Yes.

12 Q. How many?

13 A. Five.

14 Q. And, ultimately, how many people were charged?

15 A. Five.

16 Q. At some point in time, do you get physical  
17 descriptions of the people that you believe were  
18 involved in this shooting and robbery?

19 A. Yes.

20 Q. And, in fact, you had this defendant in custody  
21 pretty early on, right?

22 A. Yes, ma'am.

23 Q. Based on that, do you attempt to get an  
24 identification from any witnesses that you have spoken  
25 to?



1 A. Yes, I did.

2 Q. And did you do that in this case?

3 A. Yes, ma'am.

4 Q. And are there different methods that you can  
5 use in order to attempt to obtain an identification from  
6 witnesses?

7 A. Yes.

8 Q. What are those ways of doing that?

9 A. A photo line-up, which was used in this case.  
10 There's a live line-up that can also be used.

11 Q. Now, you said you used a photo line-up or  
12 what's also commonly known as a photospread, correct?

13 A. Correct.

14 Q. Can you explain to the jury how -- how you put  
15 that together?

16 A. A prior booking photo of the defendant in this  
17 case was obtained --

18 MR. LOPER: I have an objection, Judge.  
19 Can we approach?

20 THE COURT: Yes.

21 (At the Bench, on the record)

22 MR. LOPER: I know it wasn't her fault, but  
23 he just said that they took a prior booking photo of the  
24 defendant, which clearly implies that he's got a  
25 criminal history. We had a direct motion in limine on

1 that point. So, we have an objection that it was an  
2 improper answer that violated the motion in limine and  
3 we also need to move for a mistrial.

4 THE COURT: Well, I know we know that, but  
5 I'm not sure the jury knows that.

6 MR. LOPER: I understand that, but for  
7 purposes of the record, it's clear to the lawyers and to  
8 the Court what it means.

9 THE COURT: Well, I'm going to overrule the  
10 objection and deny the motion for a mistrial.

11 MR. LOPER: Did you overrule it?

12 THE COURT: Right.

13 MS. DEVINE: I will rephrase and lead him  
14 just that he obtained six photos so that he doesn't go  
15 there.

16 (Open court, defendant and jury present)

17 Q. (By Ms. Devine) Deputy Wolfford, when you're  
18 constructing a photospread, you have a suspect  
19 description, correct?

20 A. Correct.

21 Q. And, typically, how many photographs are placed  
22 in a photospread?

23 A. Six.

24 Q. And since they're photos, you obtain  
25 photographs, one of which would be your suspect in your

1 investigation, correct?

2 A. Yes, ma'am.

3 Q. And then what is the most important thing about  
4 the other five photos that are placed in that  
5 photospread?

6 A. That they be of males with similar features and  
7 characteristics.

8 Q. In this particular case, we're talking about a  
9 male suspect, correct?

10 A. Correct.

11 Q. If it were a female, you'd obviously use  
12 females?

13 A. Yes, ma'am.

14 Q. So, you want to use males that match the  
15 physical description, facial features, hair color, eye  
16 color, things like that, right?

17 A. Yes, ma'am.

18 Q. And physical build?

19 A. Yes.

20 Q. And did you do that in this case?

21 A. Yes, ma'am.

22 Q. And --

23 MS. DEVINE: Your Honor, may I approach the  
24 witness?

25 THE COURT: Yes.

1 Q. (By Ms. Devine) Deputy Wolfford, I'm showing  
2 you what's been marked as State's Exhibit No. 64, which  
3 consists of two pages. Do you recognize this document  
4 (indicating)?

5 A. Yes, I do.

6 Q. Okay. And how do you recognize it?

7 A. It's a document I presented to Crystal Scott.

8 Q. The sheet on front is a standard form, correct?

9 A. Correct.

10 Q. And is this your signature at the bottom as the  
11 signature of the deputy (indicating)?

12 A. Yes, it is.

13 Q. And the second page, are these photographs that  
14 you put together in order to construct this document  
15 (indicating)?

16 A. Yes, I did.

17 Q. Do you recognize the handwriting that's on this  
18 document?

19 A. Yes, I do.

20 Q. And who does it belong to?

21 A. Crystal Scott.

22 Q. And there's additional handwriting and initials  
23 on the front. Whose handwriting does that belong to  
24 (indicating)?

25 A. Crystal Scott.

1 Q. Were you present when that handwriting was put  
2 on this document?

3 A. Yes, I was.

4 Q. And I think it's clear at this point you  
5 presented this document to Crystal Scott, correct?

6 A. Correct.

7 MS. DEVINE: Your Honor, after tendering to  
8 defense counsel for inspection and objection, I'll offer  
9 State's Exhibit No. 64 into evidence.

10 **(State's Exhibit No. 64 Offered)**

11 MR. LOPER: Judge, can we approach?

12 THE COURT: Okay.

13 (At the Bench, on the record)

14 MR. LOPER: My specific objection to  
15 State's 64 is I think the front page contains hearsay  
16 because it's merely instructions from the police  
17 officer. So, I think the front page is hearsay.

18 The second page, I'm fine with it being  
19 admitted with her marking the person that she picked,  
20 but then she adds to it with a statement of what she  
21 says he did. And, again, that's hearsay and would be  
22 bolstering.

23 I guess what I'm asking the Court is, I'd  
24 like to keep the first page out and somehow redact the  
25 writing in the second part on the second page that talks

1 about the alleged facts of the case.

2 MS. DEVINE: May I respond?

3 THE COURT: I'm going to overrule as to the  
4 first page. I think he can testify to every single  
5 thing in this.

6 MS. DEVINE: And I can have him do that  
7 before an --

8 THE COURT: I agree as to the writing on  
9 the bottom.

10 MS. DEVINE: Judge, may I respond?

11 THE COURT: Yes.

12 MS. DEVINE: That witness, the witness that  
13 wrote that has testified and been subject to  
14 cross-examination and he could have asked her about  
15 that. And I believe she was -- because she was  
16 questioned about viewing the photospread and making an  
17 identification. I don't believe it's hearsay. And I  
18 don't believe it's bolstering. She's already  
19 testified --

20 THE COURT: Well, bolstering is not an  
21 objection, anyway.

22 MS. DEVINE: And I don't believe that it  
23 says anything in addition to or different from what she  
24 has testified to both on direct and cross-examination.

25 MR. LOPER: Well, it would be no different

1 than offering a witness' written statement as long as  
2 they testify about it.

3 THE COURT: That's one thing. I think the  
4 writing on the second page has to be redacted.

5 MS. DEVINE: When do you want us to do  
6 that? Now?

7 THE COURT: I don't know. Whenever.

8 MS. DEVINE: Because I want to show it.

9 THE COURT: Well, if you want to show it,  
10 you're going to have to redact it.

11 MS. DEVINE: Do you just want me to put  
12 something over the bottom of it and redact it at the  
13 break or -- because this is the original. This is the  
14 only --

15 MR. LOPER: You don't have a color copier  
16 up here, do you?

17 MS. DEVINE: No. We have one downstairs.

18 (Open court, defendant and jury present)

19 THE COURT: Let's take a break. Please  
20 retire to the jury room.

21 (Open court, defendant present, no jury)

22 THE COURT: Be seated. You can step down  
23 for a little bit.

24 Okay. Go do it.

25 (Recess)

1 (Open court, defendant present, no jury)

2 MS. DEVINE: Judge, for purposes of the  
3 record, I recopied the photo page by folding it under.  
4 And I also went ahead and copied in color the  
5 admonishments page and will re-ask the question if this  
6 is a true and correct copy of the original just so --  
7 because the copy quality, you'd be able to tell they  
8 were two different pages. So, just to...

9 THE COURT: Okay.

10 (Open court, defendant and jury present)

11 THE COURT: All right. Be seated.

12 Ms. Devine.

13 MS. DEVINE: Thank you, Judge.

14 Judge, may I approach the witness?

15 THE COURT: Yes.

16 Q. (By Ms. Devine) Deputy Wolfford, I want to show  
17 you again what's been marked as State's Exhibit 64. Do  
18 you recognize this document (indicating)?

19 A. Yes, I do.

20 Q. Does it appear to be a true and accurate copy  
21 of the original photospread and admonishments that you  
22 showed to Crystal Scott on December 3rd, 2009 at  
23 approximately 6:55 a.m.?

24 A. Yes, it does.

25 MS. DEVINE: Your Honor, after tendering to



1 defense counsel, I'll offer State's Exhibit No. 64 into  
2 evidence.

3 **(State's Exhibit No. 64 Offered)**

4 MR. LOPER: And for the record, Judge, I'd  
5 just renew my previously stated objections to Page 1 of  
6 the exhibit.

7 THE COURT: That will be overruled.  
8 State's 64 is admitted.

9 **(State's Exhibit No. 64 Admitted)**

10 Q. (By Ms. Devine) Now, Deputy Wolford, when you  
11 show a witness a photospread, do you give them  
12 instructions, basically, on how to view the photospread?

13 A. Yes, I do.

14 Q. Okay. And are these instructions standard with  
15 every -- every witness who is shown a photospread?

16 A. Yes, they are.

17 Q. And have you yourself shown photospreads and  
18 admonished witnesses on few or many occasions?

19 A. Many occasions.

20 Q. And can you tell -- for what purpose do you  
21 give them these admonishments?

22 A. One, to ensure that they're not identifying  
23 someone that they feel like they have to, and,  
24 basically, you know, it's part of the law, I believe,  
25 now when you're showing a line-up that these people have

1 to be admonished that they're not required to identify  
2 anyone.

3 Q. Can you go through the instructions that  
4 Crystal Scott -- first of all, do you have her read this  
5 page of the photospread (indicating)?

6 A. I'm sorry. I didn't hear you.

7 Q. Do you have her read this first page of the  
8 show-up?

9 A. Yes, I do.

10 Q. Okay. And do you also explain it to her  
11 verbally?

12 A. Yes, I ask her if she reads the English  
13 language. I ask everyone that. And then I also explain  
14 it if they have any questions.

15 Q. Did you do that with Crystal Scott on December  
16 3rd, 2009?

17 A. Yes, I did.

18 Q. What's the first instruction that she's given?

19 A. You will be asked to look at a group of  
20 photographs.

21 Q. And the second?

22 A. The fact that the photographs are being shown  
23 to you should not influence your judgment. The third  
24 is, you should not conclude or guess that the  
25 photographs contain a picture of the person who

1 committed -- should be "the crime" I believe.

2 Q. The crime.

3 No. 4.

4 A. You are not obligated to identify anyone.

5 Q. And No. 5?

6 A. Remember, it is just as important to clear  
7 innocent persons from suspicion as it is to identify the  
8 guilty parties.

9 Q. And No. 6?

10 A. Do not discuss this case with any other  
11 witnesses nor indicate in any way that you have  
12 identified someone.

13 Q. And why is that so important?

14 A. Because we don't want to contaminate our  
15 witnesses.

16 Q. Did she understand these as she read them and  
17 you explained them to her?

18 A. Yes, she did.

19 Q. And according to the time on this document,  
20 when did she view this photospread?

21 A. 7:10 a.m.

22 Q. And you actually had constructed the picture  
23 part approximately 15 minutes prior to that, correct?

24 A. Approximately.

25 Q. And I'll show you the second page of State's

1 Exhibit 64. And there's a date and time at the bottom,  
2 correct (indicating)?

3 A. Correct.

4 Q. And what does that indicate?

5 A. 6:55 a.m.

6 Q. Is that the time that you put the photospread  
7 together?

8 A. That would be the time that I printed it, yes.

9 Q. Now, how do you select these pictures? Is  
10 there a database? Do you look through books of  
11 photographs?

12 A. A computer database.

13 Q. Okay. Here we see six photographs, the six  
14 photographs that are selected from the database. Do you  
15 enter your suspect physical description and is that how  
16 these photographs come out of the database, or do you  
17 look at the photographs and assess whether or not these  
18 five, what they call filler pictures -- is that right?

19 A. Yes. You enter a physical description of your  
20 known subject to come up with your additional  
21 photographs. Sometimes you have to search extensively  
22 to get a close match.

23 Q. Now, the photospread in this case contains the  
24 photograph of who?

25 A. Theadric Lee.

1 Q. Is that the same person you have identified in  
2 the courtroom?

3 A. Yes, it is.

4 Q. And when you -- after Crystal Scott was given  
5 the admonishments, did you show her this page  
6 (indicating)?

7 A. Yes, I did.

8 Q. About how long did it take her to select a  
9 picture?

10 A. Almost immediately.

11 Q. And do you see the person in the courtroom  
12 whose picture she selected?

13 A. Yes, I do.

14 Q. Who is that person?

15 A. Theadric Lee, white shirt.

16 Q. The defendant?

17 A. The defendant.

18 Q. And when -- when she picked somebody, how do  
19 you have her indicate that?

20 A. By circling the photograph and placing her  
21 initials and the date next to the photograph.

22 Q. And did she do that?

23 A. Yes, she did.

24 Q. Did you show -- in a homicide investigation  
25 where you're attempting to identify a suspect, a

1 particular suspect, do you use the same photospread with  
2 all of the witnesses?

3 A. Yes.

4 Q. Did you show this particular photospread, a  
5 clean copy of it, to other witnesses?

6 A. Yes, I did.

7 Q. And who did you show it to?

8 A. Willie Gentry and Latina Burton.

9 Q. Were they able to identify anybody in this  
10 photospread?

11 A. No, they were not.

12 Q. Were they ever able to identify anybody that  
13 ultimately was arrested and charged in connection with  
14 this robbery and this shooting?

15 A. No, they were not.

16 Q. At some point do you receive information  
17 regarding another suspect in this case?

18 A. Yes, I did.

19 Q. Who do you receive that information from?

20 A. The defendant.

21 Q. Okay. Another officer. Does another officer  
22 come up with some evidence that leads you to another  
23 suspect?

24 A. Oh, yes, ma'am.

25 Q. And who is that officer?

1 A. Deputy Sams of the Crime Scene Unit.

2 Q. And what kind of evidence did Deputy Sams bring  
3 you with respect to another suspect?

4 A. It was a fingerprint.

5 Q. And who did that fingerprint belong to?

6 A. Willard Singleterry.

7 Q. And did you research information regarding who  
8 Willard Singleterry was?

9 A. Yes, I did.

10 Q. And where did this fingerprint come from based  
11 on your knowledge of the investigation?

12 A. A console of a Play Station 3, which was stolen  
13 from the scene of that aggravated robbery.

14 Q. Did you have an opportunity to see the property  
15 that was contained in the truck that was recovered?

16 A. Yes, I did.

17 Q. Okay. And, in fact, that was one of the items  
18 that was found in the bed of that truck, right?

19 A. Yes.

20 Q. Prior to that, did you have any knowledge or  
21 information that Willard Singleterry was a suspect in  
22 this case?

23 A. No.

24 Q. Based on that information, did you locate some  
25 contact information for Willard Singleterry?

1 A. Yes.

2 Q. And what did you do?

3 A. Went to Willard's address -- I believe it was  
4 off Tuskegee -- in an attempt to locate him.

5 Q. Was he there at that time?

6 A. No, he wasn't.

7 Q. What day was this?

8 A. I believe it was December 10th, 2009.

9 Q. What time of the day did you go to his house?

10 A. It was approximately 3:00 p.m.

11 Q. Was he there?

12 A. No, he wasn't.

13 Q. Was there anybody at the house?

14 A. A male that identified himself as Willard's  
15 father was there.

16 Q. What did you do with respect to his father?

17 A. Provided him with contact information for  
18 myself and asked that he have Willard contact me.

19 Q. At some point shortly thereafter, did somebody  
20 who identified themselves as Willard Singleterry II or  
21 Willard Singleterry, Jr. contact you?

22 A. Yes, he did.

23 Q. What time?

24 A. I believe that was approximately 5:00 p.m.

25 Q. And what did you tell him?



1           A.    Basically, that we needed to speak with him.  
2 Then I asked Deputy Mario Quintanilla to attempt to make  
3 contact with Willard by going to his residence.

4           Q.    Okay.  And is Deputy Quintanilla one of --  
5 another member of your squad?

6           A.    Yes, he is.

7           Q.    Did he go attempt to interview Mr. Singleterry?

8           A.    Yes.

9           Q.    Where ultimately was that interview conducted?

10          A.    Deputy Quintanilla was unable to conduct the  
11 interview with Willard.  Willard agreed to have his  
12 parents bring him down to our office that evening to  
13 speak.

14          Q.    Did Mr. Singleterry come down to the office?

15          A.    Yes, he did.

16          Q.    And that's at 601 Lockwood, right?

17          A.    Yes, ma'am.

18          Q.    And who brought him there?

19          A.    His parents did.  It was his father.  His  
20 mother showed up later.

21          Q.    Now, at the time that Mr. Singleterry came to  
22 the office, did you have a warrant for him?

23          A.    What is known as a pocket warrant, yes.

24          Q.    Can you explain to the jury what a pocket  
25 warrant is?

1           A.    It's when you -- there's not significant  
2 probable cause to arrest somebody for an offense.  
3 There's reasonable suspicion or enough to bring somebody  
4 in for questioning if they don't voluntarily come.

5           Q.    Was he aware -- had you ever told him, or to  
6 the best of your knowledge had Deputy Quintanilla ever  
7 told Willard Singleterry that this pocket warrant  
8 existed?

9           A.    No.

10          Q.    Prior to questioning him at Lockwood, did you  
11 tell him that?

12          A.    Not about the pocket warrant, no.

13          Q.    About the pocket warrant?

14          A.    No.

15          Q.    Did he agree to speak with you?

16          A.    Yes, he did.

17          Q.    And initially did he admit anything to you?

18          A.    Not initially.

19          Q.    Is that common?

20          A.    Yes.

21          Q.    Have you had an opportunity to interview  
22 suspects in homicide cases on few or many occasions?

23          A.    Many.

24          Q.    And is it common or uncommon for the person  
25 basically to spill their guts at the beginning?

1 MR. LOPER: Object to relevance, Judge.

2 THE COURT: Overruled.

3 Q. (By Ms. Devine) You can answer.

4 A. It's uncommon.

5 Q. At some point does he start to provide you  
6 details about what happened out on Cadiz Circle?

7 A. Yes, he did.

8 Q. At this point -- and we're now a week from the  
9 robbery and the shooting, right?

10 A. Yes, ma'am.

11 Q. Had you had an opportunity to talk to a number  
12 of witnesses?

13 A. Yes.

14 Q. Had you -- you had an opportunity to view the  
15 scene, right?

16 A. Right.

17 Q. And did you have a pretty good working  
18 knowledge about what went down out there?

19 A. Yes.

20 Q. And during your interview with Mr. Singleterry,  
21 was he telling you things, basically, that you already  
22 knew?

23 A. Many things, yes.

24 Q. Many things that you already knew?

25 A. Yes, ma'am.

1 Q. Did he also provide you some information that  
2 you didn't already know?

3 A. Yes.

4 Q. Okay. Did he get overly detailed in your  
5 interview with him?

6 A. He did not, no.

7 Q. Did he kind of provide you with a broad sketch  
8 of what had happened?

9 A. Yes.

10 MR. LOPER: I'm going to object, Judge. I  
11 don't think he's in a position to know what a broad  
12 sketch was at that point.

13 THE COURT: Sustained.

14 Q. (By Ms. Devine) At some point in time did you  
15 get information that there were some DNA profiles that  
16 were generated from the evidence that was recovered in  
17 this case?

18 A. Yes.

19 Q. And those profiles would have been generated by  
20 the DNA lab at the Institute of Forensic Sciences,  
21 correct?

22 A. Correct.

23 Q. When you get that information in the course of  
24 a homicide investigation, what do you attempt to do?

25 A. Obtain DNA samples from a known suspect, a

1 defendant.

2 Q. At this point, was the defendant in custody on  
3 this capital murder charge?

4 A. Yes, he was.

5 Q. How do you attempt to get a DNA sample from  
6 your suspect?

7 A. In this case, a court order was obtained.

8 MS. DEVINE: Your Honor, may I approach the  
9 witness?

10 THE COURT: Yes.

11 Q. (By Ms. Devine) Deputy Wolfford, I'm showing  
12 you what's been marked as State's Exhibit No. 202, a  
13 document consisting of three pages. Do you recognize  
14 that (indicating)?

15 A. Yes, I do.

16 Q. And does it appear to be a true and correct  
17 copy of the original court order that was obtained in  
18 this case with respect to a DNA sample from the  
19 defendant?

20 A. Yes, ma'am.

21 MS. DEVINE: Your Honor, after tendering to  
22 defense counsel, offer State's Exhibit No. 202, which is  
23 also a certified copy of a public record.

24 **(State's Exhibit No. 202 Offered)**

25 MR. LOPER: May we approach, Judge?

1 THE COURT: Okay.

2 (At the Bench, on the record)

3 MR. LOPER: We think there's several things  
4 on the document that would be inadmissible. I guess the  
5 most glaring being the fact that it states that our  
6 client is currently in the Harris County Jail, but most  
7 importantly, we're not objecting to the taking of the  
8 sample. We don't have any type of 38.23 issue as far as  
9 that is concerned. And so, the document really is  
10 irrelevant to put it on the record in front of the jury.

11 MR. GRABER: Further, Judge, the State has  
12 already got it on the record explaining how the process  
13 works, that she got a court order -- he got a court  
14 order for the swab. And so, it's not necessary for them  
15 to have to present that document, which makes it  
16 irrelevant.

17 THE COURT: I disagree.

18 MR. GRABER: Plus, it has two cause numbers  
19 on it, which I know Jennifer has already said she'll  
20 redact.

21 THE COURT: Okay. I think you need to  
22 redact these.

23 MS. DEVINE: That's fine. I'll redact that  
24 at lunch.

25 THE COURT: I think she can offer it to

1 show they followed procedure, even though we agree the  
2 jury needs (inaudible). So, I don't mind you -- I don't  
3 mind it being offered in front of the jury, but before  
4 they get to see it, we need to redact the cause number  
5 and the fact that he's in the county.

6 MS. DEVINE: I won't publish it now, Judge.  
7 I'll redact that at lunch so that the redacted copy  
8 goes.

9 THE COURT: Okay.

10 MR. LOPER: And even redacted, Judge, are  
11 you overruling our objection?

12 THE COURT: I am.

13 MR. LOPER: Thank you.

14 (Open court, defendant and jury present)

15 Q. (By Ms. Devine) Deputy Wolfford, once that  
16 court order was obtained, did you then obtain a DNA  
17 sample from the defendant?

18 A. Yes, I did.

19 Q. And how did you -- what's the physical process  
20 for taking a DNA sample from a defendant?

21 A. There are basically two long cotton swabs, much  
22 like you see at a doctor's office. They come in a  
23 sterile package, which is sealed. You hand the -- the  
24 defendant or the subject the sealed package. He then  
25 opens the package and with his hands he basically

1 applies the applicator inside his mouth.

2 Q. Did the defendant in this case do that?

3 A. Yes, he did.

4 MS. DEVINE: Your Honor, may I approach the  
5 witness?

6 THE COURT: Yes.

7 Q. (By Ms. Devine) Deputy Wolford, I'm showing  
8 you what's been marked as State's Exhibit 203. Do you  
9 recognize that item (indicating)?

10 A. Yes, I do.

11 Q. And how do you recognize it?

12 A. It's my handwriting. It's the cardboard  
13 applicator box, which wrote "T. Lee" on it and put the  
14 date that I obtained the swabs.

15 MS. DEVINE: Your Honor, after offering to  
16 defense counsel for inspection and objection, I offer  
17 State's Exhibit No. 203 into evidence.

18 **(State's Exhibit No. 203 Offered)**

19 MR. LOPER: We have no objection, Judge.

20 THE COURT: State's 203 is admitted.

21 **(State's Exhibit No. 203 Admitted)**

22 Q. (By Ms. Devine) Where do you take 203 after you  
23 obtain it from the defendant?

24 A. The Harris County Institute of Forensic  
25 Sciences, the DNA lab.



1 Q. Do you also obtain DNA samples from the other  
2 four defendants who are charged in connection with this  
3 case?

4 A. Yes, I did.

5 Q. Did you do the same thing with their samples as  
6 you did with the defendant's?

7 A. Yes.

8 MS. DEVINE: Your Honor, I'll pass the  
9 witness. And for purposes of the record, the defense  
10 has had a copy of Deputy Wolford's complete offense  
11 report.

12 THE COURT: All right. Mr. Loper.

13 MR. LOPER: Thank you, Judge.

14 **CROSS-EXAMINATION**

15 **BY MR. LOPER:**

16 Q. Deputy Wolford, a couple questions about your  
17 testimony.

18 You went to the scene on Cadiz Circle,  
19 correct?

20 A. Correct.

21 Q. And you told the jury of all the things that  
22 you did as the lead investigator to engage in this  
23 investigation. You were not involved in any of the work  
24 that was done as far as retrieving the physical  
25 evidence, were you?

1           A.    I did not collect it, no, sir.

2           Q.    Okay.  You've been made aware of some of the --  
3 excuse me.  You've been made aware of the physical  
4 evidence that was collected and where all of that took  
5 place, but you didn't actually do it yourself, correct?

6           A.    Correct.

7           Q.    And, of course, what you know -- you've  
8 mentioned to the jury that you -- that you interviewed  
9 several of the witnesses, including Crystal Scott,  
10 correct?

11          A.    Yes, sir.

12          Q.    And did I understand you to say that you also  
13 interviewed Phillip Norwood?

14          A.    I did speak with Phillip on the scene.

15          Q.    Okay.  But you would not say that you actually  
16 conducted an interview with him, would you?

17          A.    Not an audio-recorded interview, no, sir.

18          Q.    Okay.  Of the witnesses to the offense that you  
19 mentioned, would Crystal Scott have been the only one  
20 that you actually did an interview with?

21          A.    No, sir.

22          Q.    That would also, I guess, include  
23 Ms. Contreras, Olga Contreras?

24          A.    I didn't interview Olga Contreras.  No, sir.

25          Q.    What other witness -- alleged witness to the

1 offense would you say -- who was that that you  
2 interviewed?

3 A. Latina Burton, Willie Gentry.

4 Q. Okay. Did those interviews take place at the  
5 time that you showed them the photospread that you had  
6 constructed?

7 A. Yes, sir.

8 Q. Okay. So, other than talking to Crystal Scott  
9 and to Latina Burton and to Willie Gentry, and without  
10 going into what they may have told you, they told you  
11 some information about the alleged offense, right?

12 A. Yes, sir.

13 Q. Okay. And when you showed the photospread to  
14 Crystal Scott, it is clear that she said to you that the  
15 photograph that she circled on State's 64 appeared to be  
16 the person that was in the house -- one of the people in  
17 the house, correct?

18 A. Yes, sir.

19 Q. And the other two at that time made what is  
20 known in your business as a negative identification,  
21 correct?

22 A. Yes, sir.

23 Q. And that isn't -- as far as Willie Gentry and  
24 Latina Burton are concerned, not just that they didn't  
25 identify anybody who was involved in the offense, but

1 they didn't identify the people in the photospread for  
2 any reason, correct?

3 A. Correct.

4 Q. And Willard Singleterry came in to see you  
5 about a week after the alleged offense, correct?

6 A. Yes, sir.

7 Q. And you're the person who actually did the  
8 interview with him; is that right?

9 A. Yes, sir.

10 Q. Okay. Without going into anything that he  
11 said, he gave you a statement about the case?

12 A. Yes, sir.

13 Q. Okay. And Ms. Devine asked you if you knew  
14 some of the evidence in the case at the time that you  
15 did the interview with Mr. Singleterry, correct?

16 A. Yes, sir.

17 Q. And then she also asked you if there was  
18 some -- some information that he gave you that you had  
19 not been made aware of; is that also correct?

20 A. Yes, sir.

21 Q. At that point in time you were still trying to  
22 assess Mr. Singleterry's credibility as a witness,  
23 weren't you?

24 A. Yes, sir.

25 Q. Or as a person coming in to talk to you?

1 A. Sure.

2 Q. And it would be clear to say that when he came  
3 in, based upon his print that had been found on the  
4 stolen property where the crime had occurred, that you  
5 certainly considered him to be a suspect, correct?

6 A. Yes, sir.

7 Q. As far as the new information was, you didn't  
8 have a way at that point in time to independently  
9 determine whether he was telling you the truth about  
10 what had occurred, did you?

11 A. Yes, some of it.

12 Q. Some of it. But not all of it, correct?

13 A. Correct.

14 Q. Some of it, you somewhat had to take in good  
15 faith that he was telling you what he was telling you,  
16 right?

17 A. Right.

18 Q. And as an investigator talking to a suspect who  
19 comes in, although you're trying to get to the -- what  
20 you think may be the truth, sometimes you just have to  
21 let them talk, don't you?

22 A. Yes, sir.

23 Q. And that's what you did with Mr. Singleterry?

24 A. Yes.

25 Q. Okay. And I understood you to say that not

1 only did you obtain the DNA profile from Mr. Theadric  
2 Lee, but you also obtained the DNA samples from all of  
3 the other suspects as well, correct?

4 A. Yes, sir.

5 Q. And earlier, early on in your testimony, you  
6 said that five people had been charged in this case,  
7 correct?

8 A. Correct.

9 Q. And those five people, in addition to Theadric  
10 Lee and Willard Singleterry, would be whom?

11 A. Larry Wyatt, Jesse Butler, and Charles Mack.

12 Q. And at the time of charging, you would bring  
13 your file -- at the various times that you filed  
14 charges, you would bring your file and your evidence to  
15 the district attorney's office and have a consultation,  
16 they would make the decision as to what -- how they  
17 would be charged, correct?

18 A. Correct.

19 Q. I mean, with your input as well, I assume.  
20 Correct?

21 A. Yes. It's generally a phone call. It's done  
22 over the phone, so there's no bringing of evidence.

23 Q. Well, if I overstated that a little bit, I  
24 didn't mean to, but whether in person or over the phone,  
25 there's some discussion about some alleged facts in

1 order for the decision to be made, correct?

2 A. Correct.

3 Q. And the bottom line in this case was that all  
4 five of those persons were charged with capital murder,  
5 correct?

6 A. Yes.

7 MR. LOPER: Thank you, Deputy.

8 I'll pass the witness, Judge.

9 THE COURT: Ms. Devine.

10 MS. DEVINE: Yes, Your Honor.

11 **REDIRECT EXAMINATION**

12 **BY MS. DEVINE:**

13 Q. Deputy Wolford, in the course of interviewing  
14 witnesses, did you attempt to interview a witness by the  
15 name of Kenneth Adams?

16 A. Yes.

17 Q. Was he also identified by the nickname of  
18 Bookie?

19 A. Yes.

20 Q. Were you ever able to interview Bookie  
21 face-to-face?

22 A. No.

23 Q. Did you speak to somebody who identified  
24 themselves as he?

25 A. My partner did.

1 Q. Who was that?

2 A. Sergeant Mark Reynolds.

3 Q. Okay. And would he ever -- did he ever show up  
4 at the police station to be interviewed?

5 A. No, he did not.

6 Q. At some point do you get contacted by the  
7 Houston Police Department regarding them speaking to  
8 Mr. Singleterry as well?

9 A. Yes, I did.

10 Q. Okay. And to the best of your knowledge, did  
11 that happen?

12 A. Did it happen?

13 Q. Did they talk to him?

14 A. Yes, they did.

15 Q. And did you become aware whether or not there  
16 was any additional evidence relevant to your  
17 investigation that was recovered?

18 A. Yes.

19 Q. And did that happen after they interviewed  
20 Mr. Singleterry?

21 A. Yes.

22 Q. Now, did you have an opportunity to take a look  
23 at the evidence that was recovered in this case?

24 A. Yes.

25 MS. DEVINE: Your Honor, may I approach the



1 witness?

2 THE COURT: Yes.

3 Q. (By Ms. Devine) Deputy Wolfford, I'm showing  
4 you what's been marked as State's Exhibit No. 197. Do  
5 you recognize those items (indicating)?

6 A. Yes.

7 Q. And what are those?

8 A. 223-caliber bullets.

9 Q. And where were they recovered from?

10 A. The rifle, the AR-15.

11 Q. The magazine of that rifle?

12 A. The magazine of the rifle.

13 Q. And you've already testified that you're  
14 familiar with the contents of State's Exhibit No. 200,  
15 the firearms transaction record for the purchase of the  
16 AR-15 by the defendant?

17 A. Correct.

18 Q. Deputy, are there markings on the bottoms of --  
19 or on the head stamps on ammunition?

20 A. Yes, there are.

21 Q. Okay. And are there, in fact, on these 223  
22 live rounds?

23 A. Yes.

24 Q. Sorry about that.

25 Can you see the markings on the head of

1 this particular 223 round (indicating)?

2 A. Yes, I can.

3 Q. And can you tell the jury what it says?

4 A. 223 REM. And above that is PPU.

5 Q. Okay. And are you familiar with what that  
6 represents?

7 A. Yes, I am.

8 Q. And what does it represent?

9 A. The 223 REM is the caliber of bullet. It's a  
10 223-caliber bullet. The bullet was -- the cartridge was  
11 developed by the company Remington. So, any  
12 223-caliber bullet is stamped 223 REM. The PPU is  
13 Russian. It's a -- I can't pronounce the name of it,  
14 but it's Russian. It's a round that is distributed by  
15 the Monarch company in the United States.

16 Q. And then in State's Exhibit No. 200, what is  
17 this (indicating)?

18 A. That is the photocopy of a box of Monarch 223  
19 Remington bullets, which matches the receipt from  
20 December 2nd when Theadric Lee purchased the AR-15 rifle  
21 and two boxes of Monarch 223 ammunition.

22 Q. And does that indicate that it's -- does that  
23 correspond with what's stamped on the head of the live  
24 round?

25 A. Yes, it does.

1           Q.    And is this, in fact, one of -- the contents of  
2 Exhibit No. 197 consistent with the ammunition that was  
3 sold in that box?

4           A.    Yes.

5                    MS. DEVINE:  Your Honor, I'll pass the  
6 witness.

7                    THE COURT:  Mr. Loper.

8                    MR. LOPER:  I have nothing further, Judge.

9                    THE COURT:  You may step down, sir.  
10                    Let's go to lunch.  Please retire to the  
11 jury room.

12                    (Lunch recess)

13                    (Open court, defendant present, no jury)

14                    THE COURT:  Okay.  Who do we need to swear  
15 in?

16                    (Witnesses sworn)

17                    THE COURT:  Who is first?

18                    MS. BAILY:  Dr. Davis.

19                    THE COURT:  Come on up.

20                    (Open court, defendant and jury present)

21                    THE COURT:  Please be seated.

22                    Ms. Baily, call your witness.

23                    MS. BAILY:  Yes, Your Honor.  The State  
24 calls Dr. William Davis.

25                    THE COURT:  Go ahead.