

Wednesday

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25

Sandra M. Halsey, CSR,
Official Court Reporter

1897

1

C A P T

I O N

2

3

4 BE IT REMEMBERED THAT, on
Wednesday, the 15th day of

5 January, 1997, in the Criminal
District Court Number 3 of

6 Dallas County, Texas, the above-
styled cause came on for

7 a jury trial before the Hon.
Mark Tolle, Judge of the

8 Criminal District Court No. 3,
of Dallas County, Texas,

9 with a jury, and the proceedings
were held, in open

10 court, in the City of Kerrville,
Kerr County Courthouse,

11 Kerr County, Texas, and the
proceedings were had as

12 follows:

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Sandra M. Halsey, CSR,
Official Court Reporter

1898

1

2

A P P E A R

A N C E S

3

4

5

HON. JOHN VANCE

6

Criminal District Attorney

7

Dallas County, Texas

8

9

BY: HON. GREG DAVIS

10

Assistant

District Attorney

11

Dallas County,

Texas

12

13

AND:

14

HON. TOBY SHOOK

15

Assistant

District Attorney

16

Dallas County,

Texas

17

18

AND:

19

HON. SHERRI

WALLACE

20

Assistant

District Attorney

21 Dallas County,

Texas

22

23

APPEARING FOR THE STATE OF TEXAS

24

25

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Official Court Reporter

1899

1 ADDITIONAL APPEARANCES:

2

3 HON. DOUGLAS D.

MULDER

4 Attorney at Law

5 2650 Maxus Energy

Tower

6 717 N. Harwood

7 Dallas, TX 75201

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9 AND: HON. CURTIS GLOVER

10 Attorney at Law

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15 AND: HON. RICHARD

C. MOSTY

16 Attorney at

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Sandra M. Halsey,
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1900

1

2 AND: HON. JOHN

HAGLER

3 Attorney at

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4 901 Main Street, Suite 3601

5 Dallas, TX 75202

6 ALL ATTORNEYS REPRESENTING

THE

7 DEFENDANT: DARLIE ROUTIER

8 MR. HAGLER HANDLING THE

APPEAL

9 AND:

10 HON. ALBERT D. PATILLO, III

11 Attorney at Law

12 820 Main Street, Suite 211

13 Kerrville, TX 78028

14 APPEARING FOR: Witness-

15 Detective Jimmy

Patterson

16 only on one date in

trial

17 AND:

18 HON. STEVEN J. PICKELL

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APPEARING FOR: Witness

23

Officer Chris Frosch

24

only on one date in

trial

25

Reporter Sandra M. Halsey, CSR, Official Court

1901

1
G S

P R O C E E D I N

2

3 January 15th, 1997

4 Wednesday

5 9:00 a.m.

6

7

(Whereupon, the

following

8

proceedings were held

in

9

open court, in the

presence

10

and hearing of the

11

defendant, being

12

represented by her

attorneys

13

and the representatives

of

14

the State of Texas, but

15

outside the presence of

the

16

jury, as follows:)

17

18

THE COURT: All right. Today is

19

Wednesday, January 15th, 1997. All right. Let's go

back

20 on the record.

21 Good morning, ladies and
gentlemen.

22 Are both sides ready to bring the
jury

23 in?

24 MR. RICHARD MOSTY: Yes, sir, the
25 Defense is ready.

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1902

1 MR. GREG DAVIS: Yes, your Honor,
the
2 State is ready.

3 THE COURT: All right. Bring the
jury
4 in, please.

5
6 (Whereupon, the jury
7 was returned to
the
8 courtroom, and
the
9 proceedings
were
10 resumed on the
record,
11 in open court, in
the
12 presence and
hearing
13 of the defendant,
14 as follows:)

15
16 THE COURT: Good morning, ladies
and
17 gentlemen. Let the record reflect that all parties

in

18 the trial are present and the jury is seated.

19 Mr. Mosty, you may continue.

20 MR. RICHARD C. MOSTY: Good

morning,

21 Officer Mayne. How are you today?

22 THE WITNESS: Pretty good.

23

24

25

Sandra M. Halsey, CSR, Official Court
Reporter

1903

1 Whereupon,

2

3

OFFICER DAVID MAYNE,

4

5 Resumed the stand as a witness, having been
previously

6 duly sworn by the Court to speak the truth, the
whole

7 truth, and nothing but the truth, testified
further in

8 open court, as follows:

9

10

CROSS EXAMINATION (Resumed)

11

12 BY MR. RICHARD C. MOSTY:

13

Q. Did you tell me yesterday that
you

14 took notes as you went through, things -- as you
did

15 things you took notes?

16

A. After I got back to the station

I

17 jotted down some notes.

18

19

THE COURT: What have we got
here?

20 Just speak as loud as you can.

I

21 think we have some electrical problems over here
this

22 morning. You just have to talk as loud as you
can.

23 Sorry.

24 THE WITNESS: They're
computerized

25 generated. They are on the computer.

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Reporter

1904

1 BY MR. RICHARD MOSTY:

2 Q. So, it's accurate to say that
3 yesterday when you were referring to taking notes,
you

4 were not talking about jotting down something at
5:50

5 a.m. or 6:15 or whenever it was?

6 A. Basically, on the notes that I
had,

7 was on the evidence tags, and then I went back and
did a

8 computerized, typed report.

9 Q. Okay. Let me hand you a sheet
of

10 paper that was provided to me this morning. Is
this what

11 you referred to as your notes?

12 A. Yes, sir.

13 Q. You referred to those
yesterday?

14 A. Yes, sir.

15 Q. And those are the notes you
didn't

16 have yesterday?

17 A. Yes, sir.

18 Q. And they were faxed in last

night?

19 A. Yes, sir.

20 Q. And are these, likewise, kept

on a

21 computer?

22 A. Yes, sir, they are.

23 Q. So, somebody -- you could just

call up

24 there and somebody in Rowlett could pull this up

on the

25 computer?

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Reporter

1905

1 A. Well, they did it on my
computer, yes,
2 sir.

3 Q. So, somebody else can have
access to
4 your reports?

5 A. That particular one, yes, sir.

6 Q. Well, what about the others?

7 A. They are in a file of mine that
has my
8 password.

9 Q. Okay. But this one somebody
could get
10 access to these notes?

11 A. Yes, sir.

12 Q. And, somebody could change them
if
13 they got in there on that computer?

14 A. They are not changed, as I
looked at
15 them.

16 Q. Well, I understand that. But
someone

17 could change them, couldn't they?

18 A. They could get to it, yes, sir.

19 Q. And they are undated. It
doesn't say

20 June 6th?

21 A. No, sir.

22 Q. Or January 15th?

23 A. It's just my notes.

24 Q. All right. Yesterday we talked
about
25 you collecting evidence, and you described as you
went

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Reporter

1906

1 through collecting towels and different stuff. We
2 haven't gotten to the blood yet, let's just talk
about

3 the things you picked up.

4 And did I understand that you
were

5 essentially in charge of collecting physical
evidence

6 there at the scene?

7 A. Partly, yes, I was.

8 Q. Who else was?

9 A. If I am not mistaken, Officer
10 Hamilton.

11 Q. He is a fingerprint guy, isn't
he?

12 A. Yes, sir.

13 Q. What about picking up things?

You

14 know, glass, the wine glass?

15 A. I picked up some glass, yes,
sir.

16 Q. So were you the primary one who
was

17 assigned, Officer Mayne, I want you to -- you know,
so we

18 can keep all this straight.

19 A. Yes, sir, I picked up most of

the

20 evidence.

21 Q. You picked up everything?

22 A Yes, sir.

23 Q. Okay. And your supervisor in

the

24 crime scene, or the crime evidence unit is whom?

25 A. David Nabors.

Sandra M. Halsey, CSR, Official Court Reporter

1907

1 Q. But he didn't really pick up
much of
2 anything, did he?

3 A. No, sir.

4 Q. So, would it be fair to say that
you
5 were primarily in charge of documenting what you
found
6 there at the crime scene, in terms of photographs
and
7 picking up of evidence?

8 A. Collecting, yes, sir.

9 Q. Collecting of evidence. And as
part
10 of that, you knew, and part of your training, you
knew
11 that later forensics people would be looking at some
of
12 that evidence, don't you?

13 A. Yes, sir.

14 Q. And by forensic, we mean people
like,
15 blood analysis, any kind of person who might look
at that
16 and need to analyze that evidence?

17 A. Yes, sir.

18 Q. And that is common, isn't it?

19 A. Yes, sir.

20 Q. And, then you know, that those
folks

21 are going to have to rely upon the integrity of

what you

22 do?

23 A. Yes, sir.

24 Q. Don't you?

25 A. Yes, sir.

1 Q. And that is the reason --

2

3 THE COURT: It's working now.

4 MR. RICHARD C. MOSTY: All

right.

5 THE WITNESS: Okay.

6

7 BY MR. RICHARD C. MOSTY:

8 Q. And that is why you have never
put,

9 for instance, like the bag you got from Zimmerman,
you

10 would never put two pieces of evidence in the same
bag?

11 A. For myself, there was an
instance

12 where I put in some evidence. If it was
collected

13 together, yes, I did put it together.

14 Q. What are you talking about?
What

15 piece is that? I guess, for instance, all of
these

16 papers, you put those together?

17 A. That's correct.

18 Q. What else?

19 A. There was a couple of rags in
the
20 hallway.

21 Q. And those were bloody rags,
weren't
22 they?

23 A. Yes, sir.

24 Q. And you know better than to put
two
25 bloody items in the same bag?

1
together.

A. Well, they were collected

2
that,

Q. But you know better than to do

3 don't you?

4 A. (No response.)

5
together?

Q. Where were they collected

6 A. In the hallway.

7 Q. They were both in the hallway?

8 A. Yes, sir.

9
29.

Q. I'm going to show you Exhibit No.

10 And you are talking about these two items in the
hallway?

11 A. Yes, sir.

12 Q. All right. So what are those?

13 A. Rags.

14
Rags?

15 A.

Yeah.

16
other?

Q. One of them larger than the

17 A. Yes, sir.

18 Q. Is one -- does one appear to be a
19 towel?

20 A. Yes, sir, some type of towel.

21 Q. Okay. And your story right now
is

22 that you picked those up and put them in the same
bag

23 because they were close by each other?

24 A. Yes, sir.

25 Q. And let me show you these two --

1 first, let me show you this bag. Is this the bag
that

2 you picked up these two white towels in?

3 A. Yes, sir.

4 Q. Okay. Now, I want you to tell me
how

5 different are they in size?

6 A. One is a little bit larger than
the

7 other.

8 Q. Is that consistent with the
difference

9 in size that you see in photograph 29?

10 A. Well, they are the same.

11 Q. So, your testimony is that the
larger

12 towel, the larger of these rags, is this larger one
shown

13 in Exhibit 29?

14 A. Yes, sir.

15 Q. And are you going to -- are you
going

16 to stay with the idea that it is good police work to
put

17 two bloody items in the same sack?

18 A. Well, again, I collected both of
them

19 because they were there together.

20 Q. My question was: Is that good
police

21 work?

22 A. To me, yes, sir, they were
together.

23 Q. Okay. Now, and these were both

24 bloody?

25 A. A little bit, yes, sir.

1 Q. And they were both wet with
blood?

2 A. They were dry, partially, when I
3 collected them.

4 Q. Partially wet, partially dry?

5 A. Yes.

6 Q. Now, how did you pick -- did you
pick

7 them up with gloves?

8 A. Yes, sir.

9 Q. How did you pick them up and put
them
10 in this sack? Demonstrate that for me.

11 A. With the corners --

12 Q. You picked up a corner. Why did
you
13 do that?

14 A. To not touch the majority of the -

-

15 Q. So you wouldn't contaminate it,
right?

16 A. With my gloves, yes.

17 Q. Right. So, as you picked it up
18 carefully, did you have the bag sitting on the ground
or

19 what?

20 A. It was up.

21 Q. It was like this?

22 A. Yes, sir.

23 Q. Now, pick it up like you picked it
up.

24 And I know you had on gloves.

25 A. Like this.

Sandra M. Halsey, CSR, Official Court Reporter

1912

1 Q. You picked it up by a corner. Did
you
2 drop it in there?

3 A. Yes, sir.

4 Q. Didn't do anything to fold it.
And

5 the next one?

6 A. Same way.

7 Q. Okay. So, then they are in there?

8 A. Yes, sir.

9 Q. Did you seal it then?

10 A. I tagged it, yes, sir.

11 Q. Put your evidence tag on it?

12 A. Yes, sir.

13 Q. And that is the evidence tag that
is
14 missing?

15 A. Yes, sir.

16 Q. Okay. And now, once those two
bloody

17 items are in there together, blood from one can get
on

18 blood from the other. Can't it?

19 A. Possibly.

20 Q. Drip on to the other one?

21 A. Well, like I said, they were
partially

22 dry. So I'm not sure if they were dripping.

23 Q. But they were touching?

24 A. Yes, sir.

25 Q. And they could soak each other,
on

Sandra M. Halsey, CSR, Official Court Reporter

1913

1 each other. Right?

2 A. I'm not for sure, sir.

3 Q. When you carry it out to the car
and

4 you set it down, that could cause blood from one to
fall

5 on to the other, couldn't it?

6 A. Possibly.

7 Q. There is nothing to prevent blood
from

8 one of these getting on the other, is there?

9 A. They were together.

10 Q. And is that good police work or
bad

11 police work?

12 A. I consider it good police work
since

13 they were together.

14 Q. All right. You consider that
good

15 police work?

16 A. Yes, sir.

17 Q. Okay. You collected these two
green

18 rags, were you collecting all of the rags out there.

19 A. Not all of the rags, no, sir.

20 Q. You collected these two green
ones.

21 Did you collect any other rags?

22 A. Yes, sir.

23 Q. Which one?

24 A. The one in the family room.

25 Q. Okay. And, what did it look
like?

1 A. It was a green and white
checked
2 rag.

3 Q. Did you testify about it
yesterday?

4 A. Yes, sir.

5 Q. Anybody got any number idea on
this

6 one? In any event, you picked up another one?

7 A. Yes, sir.

8 Q. That is in the family room?

9 A. Yes, sir.

10 Q. Did you pick up any other rags?

11 A. One out on the front porch.

12 Q. Okay. Did you pick up any other
rags?

13 A. No, sir.

14 Q. There were other rags there,
weren't

15 there?

16 A. Yes, sir, there was.

17 Q. By the time you were picking up
these

18 rags, what time of day was it?

19 A. Which one, sir?

20 Q. Well, the first one.

21 A. It was approximately 8:20 a.m.

22 Q. Okay. And how many times had you
23 changed gloves?

24 A. I changed gloves on each -- well,
each
25 instance I picked up the rags.

Sandra M. Halsey, CSR, Official Court Reporter

1915

1 Q. Okay. And why is that?

2 A. For -- so I won't contaminate the
rags

3 with the gloves that I picked up --

4 Q. So, that blood from your hands
won't

5 go from one piece of evidence to another piece of
6 evidence?

7 A. That's correct.

8 Q. Isn't that right?

9 A. That's correct.

10 Q. Contrary to how you did the two
rags

11 in here?

12 A. That's correct.

13 Q. Where blood could go from one to
the

14 other?

15 A. That's correct.

16

17 MR. RICHARD C. MOSTY: What is
our

18 next number?

19 THE COURT: No. 30.

20

21 (Whereupon, the following

22 mentioned items were
23 marked for
24 identification only as
25 Defense Exhibits 30, 31,

Sandra M. Halsey, CSR, Official Court Reporter

1916

1 32, after which time the
2 proceedings were
3 resumed on the record
4 in open court, as
5 follows:)

6
7 BY MR. RICHARD MOSTY:

8 Q. Okay. Let me show you
Defendant's

9 Exhibit No. 30. Can you identify that?

10 A. That is going to be the cover
that
11 covered one of the victims.

12 Q. Okay. That is a photograph you
took
13 on the 6th?

14 A. Yes, sir.

15

16 MR. RICHARD C. MOSTY: We will
offer

17 30.

18 MR. GREG DAVIS: No objection.

19 THE COURT: Defendant's Exhibit
20 is
20 admitted.

21

22

(Whereupon, the item

23

Heretofore mentioned

24

Were received in evidence

25

As Defendant's Exhibit

Sandra M. Halsey, CSR, Official Court Reporter

1917

1 No. 30 for all purposes,
2 After which time, the
3 Proceedings were resumed
4 As follows:)

5

6 BY MR. RICHARD MOSTY:

7 Q. Okay. And 30 is taken during
your

8 very first walk-through of the house?

9 A. Yes, sir.

10 Q. Okay. And that is the cover that
is

11 over Devon's body?

12 A. Yes, sir.

13 Q. Okay. Does it show a rag in it?

14 A. Yes, sir.

15 Q. Does it show a bloody rag in it?

16 A. Yes, sir.

17 Q. And it is -- there is a yellow
figure

18 on that -- I guess, that underside blanket?

19 A. Yes, sir.

20 Q. Okay. And that rag is not quite
21 touching that yellow figure?

22 A. Yes, sir.

23 Q. Okay. Let me show you Exhibit No.

31,

24 and ask you if you can identify that?

25 A. That is the covers.

Sandra M. Halsey, CSR, Official Court Reporter

1918

1 Q. Similar photo?

2 A. Yes, sir.

3

4 THE COURT: We will offer No. 31.

5 MR. GREG DAVIS: No objection.

6 THE COURT: Defendant's Exhibit
No. 31

7 is admitted.

8

9 (Whereupon, the items
10 Heretofore mentioned
11 Were received in evidence
12 As Defendant's Exhibit No. 31
13 For all purposes,
14 After which time, the
15 Proceedings were resumed
16 As follows:)

17

18 BY MR. RICHARD MOSTY:

19 Q. Is that also taken on the 6th?

20 A. Yes, sir.

21 Q. Does that depict -- is the rag in
the

22 same location as it was in the picture immediately
before

23 it?

24
25

A. It's in the same vicinity.
Q. Same vicinity?

Sandra M. Halsey, CSR, Official Court Reporter

1919

1 A. Um-hum. (Witness nodding head
2 affirmatively).

3 Q. Okay. But not the same place?

4 A. Yes, sir.

5 Q. Care to explain? Yes, sir, it's
not
6 in the same place?

7 A. Yes, sir, it is.

8 Q. Yes, sir, it is in the same place?

9 A. Yes, it is.

10 Q. How do you account for the way
that
11 looks?

12 A. From the angle that I took the
13 photograph.

14 Q. Okay. Well, yesterday when I
said,
15 remember when I stood right here and said, if you
take --
16 that sometimes photographs are distorted by the
angle.

17 Do you remember me asking you that yesterday?

18 A. I remember.

19 Q. And you didn't agree with me, did
you?

20 A. Well, I don't recall.

21 Q. Don't you remember when I was
talking

22 about taking 90 degree photographs? The reason is so
23 that if you get at an angle it distorts the
photograph.

24 You don't remember that line of questioning
yesterday?

25 A. I remember you saying something
about

Sandra M. Halsey, CSR, Official Court Reporter

1920

1 it.

2 Q. And you didn't agree with me, did
you?

3 A. To be honest with you, I don't
recall.

4 Q. But now your story is that there
is a

5 difference between 30 and 31, is because it's a
different

6 camera angle?

7 A. Yes, it is.

8 Q. But that the -- but that the rag
is

9 not moved?

10 A. No.

11 Q. All right. Now, shortly after
this,

12 these photos are taken, the medical examiner came in,
13 right?

14 A. Yes, sir.

15 Q. And you saw that rag
again?

16 A. Yes, sir.

17 Q. Didn't
you?

18
sir.

A. Yes,

19

Q. And you photographed it again?

20

A. Yes, sir.

21

Q. Okay. And then you stayed at that

22 house and started collecting rags about 9 -- or you
were

23 collecting in the 9:00 o'clock range?

24

A. 8:00 o'clock, in that area.

25

Q. Okay. And you didn't collect this

Sandra M. Halsey, CSR, Official Court Reporter

1921

1 rag, did you?

2 A. No, sir.

3 Q. It had blood on it, didn't it?

4 A. Yes, sir.

5 Q. It was next to the body of Devon
6 Routier, wasn't it?

7 A. Yes, sir.

8 Q. It was -- you knew that the
paramedics

9 had been in there and had done something in that
area,

10 didn't you?

11 A. Yes, sir.

12 Q. You knew that the paramedics had
13 covered up the body, didn't you?

14 A. Well, I wasn't aware of that. I
15 wasn't there.

16 Q. Well, you knew that the medical
17 examiner, for instance, picked up the -- some of
those

18 things around Devon Routier and took them to the
medical

19 examiner's office, didn't you?

20 A. Yes, sir.

21 Q. You saw that happen?

22 A. Yes, sir.

23 Q. So you knew that what was next to
that

24 body was important, didn't you?

25 A. Well, the blankets, yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1922

1 Q. But the rag wasn't important?

2 A. I didn't say that.

3 Q. It was important, wasn't it?

4 A. Well, it could be.

5 Q. It should have been collected,

6 shouldn't it?

7 A. I didn't collect it.

8 Q. It should have been collected,

9 shouldn't it?

10 A. I gave at that point where I
didn't

11 determine that it needed to be collected.

12 Q. You made that decision that it
wasn't

13 important enough to collect?

14 A. I made that decision.

15 Q. And that was a conscious
decision?

16 A. That was my decision.

17 Q. That was your decision that that
rag

18 which has blood on it and it is next to Devon
Routier's

19 body is not important enough to have forensics look
at

20 it?

21 A. I made that decision.

22 Q. Let me show you

Exhibit 32. Does that

23 fairly and accurately depict the scene

on, two days

24 later?

25 A. I'm not for sure.

I wasn't there two

Sandra M. Halsey, CSR, Official
Court Reporter

1923

1 days later.

2 Q. Do you -- you
didn't take these

3 photographs dated 6-8?

4 A. No, sir.

5 Q. Well, does that
depict -- does that

6 accurately depict the living room?

7 A. That is the living
room.

8 Q. Okay.

9

10 MR. RICHARD C.

MOSTY: We'll offer No.

11 32.

12 MR. GREG DAVIS: I

can't agree to

13 that. I'm going to object. This
witness has testified

14 that he was not there on the 8th. He
doesn't know how

15 this living room looked on the 8th.

For that reason, we

16 will object to it. It has not been
offered.

17

THE COURT:

Overruled. I'll admit the

18 photo.

19

BY MR. RICHARD

MOSTY: Exhibit 32?

20

THE COURT: State's

(sic) Exhibit No.

21 32 is admitted.

22

23

(Whereupon, the

above

24

mentioned item was

25

received in

evidence

Sandra M. Halsey, CSR, Official
Court Reporter

1924

1 as Defendant's No.
32,
2 for all purposes
3 after which time,
4 the proceedings were
5 resumed on the record,
6 as follows:)

7

8 BY MR. RICHARD MOSTY:

9 Q. Okay. Does it have a time-date
on it?

10 A date stamp, I'm sorry.

11 A. Yes, sir.

12 Q. Two days later, the 8th?

13 A. Yes, sir.

14 Q. Now let me direct your
attention.

15 Over here by the fireplace, are those written or
printed

16 materials?

17 A. Some type of material.

18 Q. Were there some files over there
by

19 that fireplace?

20 A. I don't recall.

21 Q. You don't recall?

22 A. No, sir.

23 Q. Okay. The rag that we have
described

24 that wasn't important enough to pick up in Exhibits

31 --

25 30 and 31, that rag?

Sandra M. Halsey, CSR, Official Court Reporter

1925

1 A. Yes, sir.

2 Q. In Exhibit 32, where is it?

3 A. I'm not for sure. I wasn't
there.

4 Q. You do not know where that white
rag

5 is two days later?

6 A. There is a white rag on the
coffee

7 table, but I'm not for sure if it's that rag.

8 Q. Well, does it appear to have
blood

9 stains on the one on the coffee table?

10 A. I'm not for sure,
sir.

11 Q. Can't tell?

12 A. Can't tell.

13 Q. As a reasonably prudent peace
officer,

14 do you think that most likely, that that rag on
the table

15 is the same one that was on the floor two days
before?

16

17 MR. GREG DAVIS: I am going to
object.

18 That calls for speculation. This witness has
testified
19 several times now, that he wasn't there on the
8th, he
20 didn't have an opportunity to look at those items
in that
21 family room, so that calls for conclusion and
speculation
22 on his part.

23 THE COURT: If you know the
answer

24 from -- if you know the answer from your own
knowledge,
25 I'll let you answer.

Sandra M. Halsey, CSR, Official Court
Reporter

1 THE WITNESS: No, sir.

2

3 BY MR. RICHARD MOSTY:

4 Q. I'm asking as a peace officer
of 10

5 years who has been trained in all this schooling.
You

6 can't draw a conclusion one way or another as to
whether

7 or not that is the same rag?

8

9 MR. GREG DAVIS: I'll object
again.

10 It calls for speculation.

11 THE COURT: I'll sustain that
12 objection.

13 MR. RICHARD C. MOSTY: My
question is:

14 Can he draw a conclusion?

15 MR. GREG DAVIS: I'm going to
object,

16 it calls for a conclusion.

17 THE COURT: I'll sustain the
18 objection, unless he knows it from his own
knowledge.

19

20 BY MR. RICHARD MOSTY:

21 Q. Can you give me any explanation
of how

22 a white rag would jump from the floor onto the
table?

23

24 MR. GREG DAVIS: I'm going to
object,

25 that is arguing with the witness and calling for

Sandra M. Halsey, CSR, Official Court Reporter

1927

1 speculation.

2 THE COURT: Well, I'll overrule
that

3 one. If he has any idea, then I'll let him answer
that

4 one.

5

6 BY MR. RICHARD C. MOSTY:

7 Q. Do you have any idea how that
white

8 rag jumped up on the table?

9 A. Somebody could have put it up
there.

10 Q. And that would be bad police
work,

11 wouldn't it?

12 A. No, sir.

13 Q. That is good police work to
leave it

14 there for two days, pick it up, put it on the table.

Was

15 it ever collected?

16 A. I don't know.

17 Q. I wonder where it is?

18

19 MR. GREG DAVIS: I'm going to

object

20 to that.

21 THE COURT: I'll sustain the
22 objection, that is speculation.

23 MR. GREG DAVIS: That is
speculation.

24 We will see in just a moment where it is.
25

Sandra M. Halsey, CSR, Official Court Reporter

1928

1 BY MR. RICHARD MOSTY:

2 Q. Did you collect the green
container,

3 the plastic container?

4 A. No, sir.

5 Q. That is like the rag on the floor.
6 You made a decision that that wasn't important?

7 A. That's correct.

8 Q. And you didn't inventory it?

9 A. No, sir.

10 Q. Let's cover these file folders, if
we
11 can. Or the papers that you collected. Again, we
will

12 do State's Exhibit 150. And that is a later photo?

13 A. Yes, sir.

14 Q. That one shows what, a pad on top?

15 A. Yes, sir.

16 Q. Okay. Exhibit No. 25, that shows
file

17 folders, and that is after you have picked them up
and

18 moved them around?

19 A. Yes, sir.

20 Q. And photographed them?

21 A. Yes, sir.

22 Q. Exhibit 23, is -- and let me show
you

23 24, too. Why don't you just tell me which is the

24 earliest order? Which is the earliest photograph we

have

25 here?

Sandra M. Halsey, CSR, Official Court Reporter

1929

1 A. Right here.

2 Q. All right. And, tell me, how many
3 green folders are up there?

4 A. I'm not for sure, two or three, in
5 that area.

6 Q. Four, maybe?

7 A. I'm not for sure. I think there
was
8 three.

9 Q. That is the condition that those
10 folders were in when you first saw them?

11 A. Yes, sir.

12 Q. They weren't like we have them
here in
13 evidence, laying out, were they?

14 A. No, sir.

15 Q. All of these notes about wills and
all
16 of that stuff. None of that stuff was laying out,
was
17 it?

18 A. It was inside the green folders.

19 Q. It didn't appear that anybody had
been
20 sitting there reading that stuff or going through it

that

21 night, did it?

22 A. They could have. I don't know. I
23 wasn't there.

24 Q. Well, if they did, they would have
had
25 to file it back in the folders?

Sandra M. Halsey, CSR, Official Court Reporter

1930

1 A. Possibility.

2 Q. A possibility?

3 A. Well, I mean, I wasn't there.

4 Q. Okay. But there are no loose
papers
5 out on top of those green file folders, are there?

6 A. No, sir.

7 Q. And those file folders, did they
have
8 labels?

9 A. Yes, sir.

10 Q. What were the labels?

11 A. I'll be honest will you, I don't
12 recall what was the labels on the file folders.

13 Q. And, of course, you didn't do
anything
14 to inventory them?

15 A. After I got back to the station.

16 Q. Did you take them all out of the
17 files?

18 A. Yes, sir, I looked through them.

19 Q. Okay. There at the scene?

20 A. Some of them, yes, sir.

21 Q. In the living room?

22 A. Yes, sir.

23

table, or

24 what?

25

the

Q. Did you spread them out on a

A. No, sir. I just took them out of

Sandra M. Halsey, CSR, Official Court Reporter

1931

1 green folders.

2 Q. Did you put them back in the same
3 folder?

4 A. Yes, sir.

5 Q. Okay. Then you took all of the
6 folders down and you checked them all into evidence?

7 A. Yes, sir.

8 Q. Okay. Now, the second one, the
9 second, Defendant's Exhibit No. 25, is that -- no,
that

10 wouldn't be second in time, would it? 24. Would
that be

11 before 150, or can you tell?

12 A. I don't know if it was or not,
because

13 I had different things laid out on top. I just went
14 through them and photographed them on top.

15 Q. As you moved them around, you
16 photographed them?

17 A. Yes, sir.

18 Q. Okay.

19

20 (Whereupon, the
21 following mentioned
22 Exhibits were

marked

23

For

identification

24

Only, as

Defendant's

25

Exhibit No. 33 & 34.)

Sandra M. Halsey, CSR, Official Court Reporter

1932

1 BY MR. RICHARD MOSTY:

2 Q. I want to hand you what I have
marked

3 as a green folder, Exhibit 33, with a number of
papers in

4 it. And I've marked as Exhibit 34 one of those
papers in

5 there. Tell me: Is that the evidence that you

6 collected? Is that the remainder of the papers?

7 Some of the papers are in
evidence.

8 Is that the remainder of the papers and file folders
and

9 stuff that you collected?

10 A. It appears to be some of them,
yes,

11 sir.

12 Q. Some of them?

13 A. Well, there was so many, I don't
know

14 if that is all of them or not.

15 Q. Is there any way to know?

16 A. With the bag that I had tagged, I
17 would be able to know. But taking it out of the bag

--

18 Q. You got one of these paper sacks
19 somewhere?

20 A. I had one.

21 Q. Okay. But there is no way to
know

22 today, whether or not all of these papers that
were

23 there, are here. Is that what you are telling
me?

24 A. No, sir. The ones -- the tag
that I
25 had that was put into evidence, everything was
there.

1 Q. Okay. And did you identify all
of

2 these things?

3 A. I looked through them. No, I
didn't

4 identify everything on the tag, but I did look
through

5 them, and packed them together.

6 Q. Okay. And you -- there is no way
you

7 could recollect what was in there and what was not
and

8 what might be gone?

9 A. Everything that I had packed is
there,

10 whatever was put into the Courtroom is here.

11 Q. And that was everything you picked
up?

12 A. Yes, sir.

13 Q. Okay. Now, explain to me why I
don't

14 have four green folders, three or four green folders,
15 rather than just one?

16 A. I'm not for sure.

17 Q. There are three or four green
folders

18 in that photo, aren't they?

19 A. Yes, sir.

20 Q. And you collected all of them?

21 A. I collected many of them, yes,
sir.

22 Q. Well, did you collect all of them
or

23 many of them?

24 A. I collected what I had in the
bag.

25 Q. Okay. And this one, and is that
what

1 I am holding in my hand is Exhibit No. 33?

2 A. Yes, sir, that is some of it,
yes,

3 sir.

4 Q. Is it all of it?

5 A. Everything that I had in the bag,
6 there were so many papers, I'm not for sure.

7 Q. Well, let's don't focus on papers
for

8 a minute. Let's focus on green folders. This one
that

9 you do have says birth certificates and licenses?

10 A. Yes, sir.

11 Q. And there are three or four
others.

12 Did they have labels on them like that?

13 A. I don't think so. I'm not for
sure.

14 Q. You can't remember?

15 A. I can't remember.

16 Q. And they are gone? Where are
they?

17 A. I don't recollect. I don't
know if

18 I -- I don't remember if I collected just one or
all

19 three.

20 Q. You don't remember if you
collected

21 all of these folders or not?

22 A. Correct.

23 Q. Well, then, if you didn't collect
24 them, wouldn't they show in some photograph in the
room,
25 like this white rag that you didn't collect?
Wouldn't we

1 be able to go to some photograph and say, "There are
the
2 other green folders that Officer Mayne didn't
collect"?

3 A. I'm not for sure.

4

5 MR. GREG DAVIS: Your Honor, I'm
going

6 to object to that. It calls for speculation. We
don't

7 know which photographs, what date or anything.

8 THE COURT: I'll sustain that
9 objection as the question is phrased.

10

11 BY MR. RICHARD MOSTY:

12 Q. Are there any photographs that you
are

13 aware of that photograph these file folders, after
14 Exhibit 25?

15 A. I don't know.

16 Q. You are not?

17 A. I didn't take any, no, sir. I
don't

18 know.

19 Q. You didn't take any. And Exhibit

25,

20 you told me yesterday that you picked that up and you
set

21 it down on the couch there and photographed it, and
then

22 you took it to your car, didn't you?

23 A. I took some of it, yes, sir.

24 Q. Yesterday, did you tell me you

took it

25 all?

Sandra M. Halsey, CSR, Official Court Reporter

1936

1 A. I don't remember.

2 Q. Don't you remember I was asking
you, I

3 said, "What did you do?" And you said, first you
said,

4 "I picked it up. I went straight to my car with it."

5 A. Yes, sir.

6 Q. And then I showed you this
photograph,

7 25, and then you remembered that you had not gone

8 straight to your car, but that --

9 A. I photographed it.

10 Q. -- you had photographed it.

11 A. Yes, sir.

12 Q. You remember that?

13 A. Yes, sir.

14 Q. Okay. And now you are not sure
15 whether or not you picked all these up and took them
to

16 your car or not?

17 A. I went through the papers, and the
18 papers that I felt like were pertinent, I
collected.

19 Q. Okay. Well, for instance,
some of

20 what you thought was pertinent is Defendant's

Exhibit 21

21 and 20, right?

22 A. Yes, sir.

23 Q. You thought those were important?

24 A. Yes, sir.

25 Q. And tell the jury what 20 is.

Sandra M. Halsey, CSR, Official Court Reporter

1937

1 A. It's a Pet Rest Memorial Park
Burial.

2 Q. Okay. And that is for the burial
of
3 a -- of a cat, is it?

4 A. Yes, sir.

5 Q. In August of 19 -- August 1st of
1995?

6 A. Yes, sir.

7 Q. And you thought that that was
8 important and that you should collect it?

9 A. Yes, sir.

10 Q. Did you also collect a receipt?
What

11 is that receipt for? Exhibit -- what is the blue
Exhibit

12 No. on there?

13 A. No. 21.

14 Q. Right.

15 A. It's a bronze and granite
headstone,

16 it looks like.

17 Q. Headstone?

18 A. I
guess.

19

Q. For a

cat?

20

A. Yes,

sir.

21

Q. In July of 95?

22

A. Yes, sir.

23

Q. And you thought that was

important

24 evidence?

25

A. Yes, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1938

1 Q. Okay. And so you collected it?

2 A. Yes, sir.

3 Q. Now, this is at -- is this the
same

4 time that you are making the decision that the
bloody

5 towel by Devon is not important?

6 A. No, this was later on in the day,
sir.

7 Q. This is after you have already
decided

8 the towel is not important, you decide that the cat
9 burial is important?

10 A. Yes, sir.

11 Q. Okay.

12

13 MR. RICHARD C. MOSTY: We're going
to

14 offer No. 33 and I marked one in there as 34.

15 THE COURT: Okay.

16 MR. GREG DAVIS: No objection.

17 THE COURT: Defendant's Exhibits

33

18 and 34 are admitted.

19

20 (Whereupon, the above

21 mentioned items
were
22 received in
evidence
23 as Defendant's
Nos.
24 33 & 34 for all purposes
25 after which time,

Sandra M. Halsey, CSR, Official Court Reporter

1939

1 the proceedings were
2 resumed on the record,
3 as follows:)

4

5 BY MR. RICHARD C. MOSTY:

6 Q. Okay. Now, 33, and I'm not going
to

7 belabor all of this stuff, but I want to point out a
few

8 things.

9 All of the things that I am
holding in

10 my hand on 33, those are things that you thought
were

11 important to this investigation?

12 A. Yes, sir.

13 Q. And these are all of the things
that

14 you collected?

15 A. Yes, sir.

16 Q. Let me show you, for instance,
Exhibit

17 34. What is Exhibit 34?

18 A. It's an attorney at law
addressing to

19 the Routiers.

20 Q. What is it dated?

21 A. October 5th, '95.

22 Q. Okay. Do you have a will?

23

24 MR. GREG DAVIS: Objection. It's
25 irrelevant what this witness has.

Sandra M. Halsey, CSR, Official Court Reporter

1940

1 MR. RICHARD C. MOSTY: I'll get
2 somewhere with it.

3 MR. GREG DAVIS: I'm going to
object

4 again. It's irrelevant whatever he has.

5 THE COURT: I'll sustain the
6 objection. Right now, I'll sustain that objection.

7

8 BY MR. RICHARD MOSTY:

9 Q. This is a letter from a lawyer to
the

10 Routiers on October 5th, 1995?

11 A. Yes, sir.

12 Q. Why don't you read it to the
jury.

13 A. "Dear Mr. and Mrs. Routier, I am
sorry

14 we were unable to get together recently to discuss
your

15 estate plan. Enclosed is a brochure giving you an
idea

16 of my areas of practice, and a map for your
convenience

17 in finding my office. If you will call my office,
so we

18 can reschedule you for a convenient time for you to
come

19 in for a no-charge office conference, to discuss
this

20 matter. I understand you are expecting a new
arrival. I

21 hope everything goes well. Awaiting your call, I am
very

22 truly yours, Charles Hirsch."

23 Q. Okay. And, that is a lawyer who
wrote

24 them a letter about an appointment they couldn't
make?

25 A. Yes, sir.

1 Q. Okay. And, let me ask you, there
are
2 a lot -- there are a bunch of notes in here that
were
3 introduced yesterday about, what I would call,
like a
4 note about something that someone wanted in a
will?

5 A. Yes, sir.

6 Q. Does it appear to you that
those
7 notes, about what I would like in my will, go with
8 Exhibit 34?

9

10 MR. GREG DAVIS: Objection, it
calls

11 for speculation on the part of this witness.

12 THE COURT: I'll sustain that
13 objection.

14 MR. RICHARD C. MOSTY: Okay.

15

16 BY MR. RICHARD C. MOSTY:

17 Q. Were they found in the same file?

18 A. In the same area, yes.

19 Q. In the same file?

20 A. Yes, sir.

21 Q. The notes about the will were
found in

22 the same file from the letter from the lawyer?

23 A. Yes, sir.

24 Q. Did you collect that file? Did
it say
25 will or something on the outside of that file?

Sandra M. Halsey, CSR, Official Court Reporter

1942

1 A. I don't recall. I know I
recovered --

2 or recovered some birth certificates in that area.

3 Q. Okay. Were of all the birth
4 certificates in one file?

5 A. I believe so.

6 Q. Okay. Was the marriage license
in a

7 file?

8 A. I don't remember which file, but
yes,

9 it was in that area.

10 Q. Okay. And, the birth
certificates and

11 licenses, this green folder marked 33, is that where
the

12 birth certificates and the licenses were?

13 A. Yes, sir.

14 Q. Is that where the Social Security
15 cards were?

16 A. I don't recall.

17 Q. Is that where these hospital
records

18 were?

19 A. To be honest with you, I don't

recall.

20 They were laying out.

21 Q. Was there a separate one that
talked

22 about health, shots, children's shots?

23 A. I don't recall that.

24 Q. You don't recall a file like
that?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1943

1 Q. All right. Let's go on to some
of
2 this other stuff that you chose to collect.

3
4 MR. RICHARD C. MOSTY: May I set
this
5 here?

6 THE COURT: You may indeed. That
will
7 be fine.

8
9 BY MR. RICHARD MOSTY:

10 Q. Let me hand you a stack of items
that
11 you collected that day. Can you see them all right?

12 A. Yes, sir.

13 Q. Okay. One is -- I didn't mean to
pick
14 that up, but that is a card for an optometrist?

15 A. Yes, sir.

16 Q. Okay. And what are all of these
other
17 things?

18 A. Just clippings.

19 Q. Of, of --

20 A. Magazines.

21 Q. -- of furniture, of pillows,
shades,

22 of rugs. Is that what they are?

23 A. Yes, sir.

24 Q. And this is of shower curtains?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1944

1 Q. Of drapes? And this was some of
the
2 evidence that you thought was important enough to
3 collect?

4 A. No, sir. It was just in the file
and
5 it went along with the file. I didn't collect it
just
6 because it was -- that was clippings.

7 Q. Did you pick -- so you didn't go
8 through it to decide what was important?

9 A. I went through a lot of it, yes.
But
10 whatever was in the file, no, I didn't.

11 Q. Okay.

12 A. It went along with the file.

13 Q. Well, did you pick up every piece
of
14 paper there or not?

15 A. I went through a lot of paper
there,
16 yes, sir.

17 Q. Did you leave some?

18 A. Yes, sir.

19 Q. And you chose to keep some?

20 A. Yes, sir.

21 Q. I see a number of cards in here
of --

22 here is a card of -- what is that? Ted R. Quick,
some

23 kind of furniture?

24 A. Collectables, yes, sir.

25 Q. Charles Hirsh, that is the lawyer
who

Sandra M. Halsey, CSR, Official Court Reporter

1945

1 talks about the estate
plan?

2 A. Yes,
sir.

3 Q. In Exhibit 34?

4 A. Same name.

5 Q. Okay. For instance, were the
doctors'

6 cards in the same file with some of these records,
some

7 of the medical records, immunization records?

8 A. I don't recall if it was in the
same

9 folder.

10 Q. Do you remember brochures about
going

11 on trips?

12 A. Yes, sir.

13 Q. What file were they in?

14 A. I'm not for sure. I just went
through

15 different files.

16 Q. Why didn't you take an inventory
of

17 what these items were with the list, so we would

know

18 what you took and what you didn't take?

19 A. Because I just took a -- I wrote
on

20 the evidence tag what the bag was, and that was my
list.

21 Q. Did you type up a list of the
items

22 taken?

23 A. Yes, sir.

24 Q. An evidence report?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1946

1 Q. Let me hand you a 6 page
document, and

2 ask you if that is your evidence report?

3 A. Yes, sir.

4 Q. Can you identify on there where
you

5 described all of these papers you picked up?

6 A. Yes, sir. Right here, sir, No. 69.

7 Q. No. 69?

8 A. Yes, sir.

9 Q. And your reference there is:

Birth

10 certificates, steno pads, papers, insurance policies
of

11 Darin and Darlie Routier?

12 A. Yes, sir.

13 Q. So you listed three things out of
all

14 that you collected?

15 A. Yes, sir.

16 Q. So there is no way to verify what
went

17 in that bag and what was kept out of that bag, is
there?

18 A. No, sir. I can verify what I put

in

19 there.

20 Q. As this, or as this?

21 A. As that.

22 Q. Where are the other green folders

23 then?

24 A. I collected just that one.

25 Q. You now know that you collected
just

Sandra M. Halsey, CSR, Official Court Reporter

1947

1 this one?

2 A. Yes, sir.

3 Q. You chose that one and left the
4 others?

5 A. Yes, sir.

6 Q. What about the papers in the
others?

7 Did you put it in that one?

8 A. Papers that I collected, yes,
sir.

9 Q. You took them out of the green
folder

10 and put them in your evidence bag?

11 A. Yes, sir, in the sack.

12 Q. So, there is no way to go back
and

13 reconstruct whether the life insurance policies were
in

14 an insurance file, whether the birth certificates
were in

15 a certificate file, whether the medical records were
in a

16 medical records file. We can't do that now, can we?

17 A. No, sir, we're not at the
scene.

18 Q. Now, while you are making
this
19 process, or you're going through this decision-
making
20 process, what went through your mind about that
bloody
21 rag, about why not to collect it?

22 A. Which bloody rag, sir?

23 Q. The bloody rag in the middle of
the
24 floor that you didn't collect.

25 A. I just didn't collect it, sir.

1 Q. Well, I know that. But my
question

2 is: What was your thought process on June 6th when
you

3 said, "I'm not going to collect that." What was
your

4 thought process?

5 A. I'm not for sure. I don't
recall.

6 Q. Aren't you taught at the academy
to

7 inventory items, for instance, that are in a file?

8 A. No, sir.

9 Q. You are not taught to do that?

10 A. I was not, no.

11 Q. So you just picked up this big
stack,

12 you put it in a paper sack, and you labeled it as,
13 insurance policies, IDs, et cetera?

14

15 MR. GREG DAVIS: Objection. That
is

16 repetitious. It's been gone into two or three
times.

17 THE COURT: Sustained.

18

19 (Whereupon, the
following
20 mentioned item was
21 marked for
22 identification only
23 as Defense Exhibit
No. 35,
24 after which time the
25 proceedings were

Sandra M. Halsey, CSR, Official
Court Reporter

1949

1 resumed on the record
2 in open court, as
3 follows:)

4

5 BY MR. RICHARD MOSTY:

6 Q. Let me show you a
document here. Is

7 this the actual evidence tag?

8 A. Yes, sir, it is.

9 Q. And that went on the
bag?

10 A. Yes, sir.

11 Q. Stapled on the bag?

12 A. Yes, sir.

13 Q. And what is the
description you put on

14 there?

15 A. Birth certificates,
life insurance
16 policies, steno pad with writing, papers.

17

18 MR. RICHARD C. MOSTY:

I'm going to

19 mark this as 35 and offer it, your Honor.

20 MR. GREG DAVIS: No

objection.

21

THE COURT:

Defendant's Exhibit 35 is

22 admitted.

23

24

(Whereupon, the item

25

Heretofore mentioned

Sandra M. Halsey, CSR, Official
Court Reporter

1950

1 Was received in
evidence

2 As Defense Exhibit
No. 35

3 For all purposes,
4 After which time, the
5 Proceedings were
resumed

6 As follows:)

7

8 BY MR. RICHARD MOSTY:

9 Q. Exhibit 35 is in your
handwriting?

10 A. Yes, sir.

11 Q. Okay.

12 MR. RICHARD MOSTY: May I --

13

14 (Whereupon, the following
15 mentioned item was
16 marked for
17 identification only
18 after which time the
19 proceedings were
20 resumed on the record
21 in open court, as
22 follows:)

23

24 BY MR. RICHARD MOSTY:

25 Q. Let me show you, Exhibit Number -

-

Sandra M. Halsey, CSR, Official Court Reporter

1951

1 Defendant's Exhibit 36. Is that something you can
2 identify?

3 A. Yes, sir.

4 Q. Okay. And does that depict the
5 Routier home, or a portion of it, the couch?

6 A. Yes, sir.

7

8 MR. RICHARD C. MOSTY: We will
offer

9 36.

10 MR. GREG DAVIS: No objection.

11 THE COURT: Defendant's Exhibit
36 is

12 admitted.

13

14 (Whereupon, the item
15 Heretofore mentioned
16 Was received in

evidence

17 As Defense Exhibit

No. 36

18 For all purposes,
19 After which time, the
20 Proceedings were

resumed

21 As follows:)

22

23 BY MR. RICHARD C. MOSTY:

24 Q. And Exhibit 36, is it taken on the
25 8th? Is that the date stamped on it?

Sandra M. Halsey, CSR, Official Court Reporter

1952

1 A. Yes, sir.

2 Q. And is that pillow that is shown
3 there, do you know if that is the same pillow that
you

4 took the pictures of the -- in -- that you took the
file

5 folder pictures on on 25? Is that the same pillow?

6 A. It could be.

7 Q. Okay. Now, I just noticed this,
at

8 150, in that one, the pillow's on the floor, right?

9 A. That is on the floor.

10 Q. Okay. And in 24, the pillow is on
the

11 floor. Right?

12 A. Yes, sir. The pillow is on the
floor.

13 Q. And on 25 the pillow is up on the
14 couch.

15 A. A pillow is on the couch, yes,
sir.

16 Q. Okay. And, you have already told
us

17 that you photographed the green files on top of this
18 pillow.

19 A. Yes, sir.

20 Q. So, did you pick up the pillow off
the
21 floor and put it on the couch and then pick up the
green
22 things and put it on the pillow?

23 A. No, sir.

24 Q. You did not do that?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1953

1 Q. Who did?

2 A. I don't know.

3 Q. Well, in 24 and 25, the lamp shade
is
4 still, -- the lamp shade is shown, is it not?

5 A. Yes, sir.

6 Q. And it is up on the couch?

7 A. Yes, sir.

8 Q. Okay. And in Exhibit 150, it's
not on
9 the couch?

10 A. No, sir.

11 Q. And we know that the latest one is
12 25?

12 A. Yes, sir.

13 Q. Okay. So, we have got one
photograph,
14 150 -- let me see what the order is -- is, 150 comes
15 before 25, correct, showing you those?

16 A. Yes, sir.

17 Q. Okay. And Number 24 fits in there
18 where?

19 A. Where is 24?

20 Q. This is 24, is the top one. It
must

21 be -- the pillow is still on the floor.

22 A. Yes, sir.

23 Q. And the files are still over
there?

24 A. Yes, sir.

25 Q. So do these -- does that one fit
in

Sandra M. Halsey, CSR, Official Court Reporter

1954

1 between these?

2 A. I don't recall, to be honest with
you.

3 Q. You can't tell?

4 A. No, sir.

5 Q. Okay. Now, let me get one other -

-

6 the photograph of -- the first photograph that you
7 identified is the earliest, I think that is 19, the
lamp

8 shade is up on the couch?

9 A. Yes, sir.

10 Q. From these photographs, does it
appear

11 that the lamp shade is up on the couch, the lamp
shade is

12 down on the floor, and then the lamp shade is back up
on

13 the couch?

14 A. There are photos where they are
down

15 and up, yes, sir.

16 Q. Up, down, back up?

17 A. The way you have got them, yes,
sir.

18 The way you have got the pictures, since you are
sorting

19 them.

20 Q. Well, I don't -- I'm just trying
to

21 sort them according to how you tell me to. If you
can.

22 We know that 25 is last, don't we?

23 A. Yes, sir.

24 Q. Okay. And we know that 150 is not
at

25 the first.

Sandra M. Halsey, CSR, Official Court Reporter

1955

1 A. Yes, sir.

2 Q. 24, can you tell me where in the
3 sequence that goes? It's different than 150, isn't
it?

4 A. Yes, sir, this is before this one
5 here.

6 Q. Okay. So, you are comfortable
with
7 this order right here. Am I right?

8 A. Yes, sir.

9 Q. Okay. So, 24 is first?

10 A. Yes, sir.

11 Q. Now, let me leave them here, so
that I

12 get them right. Twenty-four is first, and the lamp
shade

13 is up on the couch. Correct?

14 A. It was possibly knocked over or
moved

15 when I was moving the papers.

16 Q. Okay. You possibly knocked it
over?

17 No. 150, the lamp shade is back, that's the second in
the

18 sequence, the lamp shade is on the floor?

19 A. Yes, sir, it is.

20 Q. Okay. And the last one is 25.

And

21 the lamp shade is back up on the couch. That is

this

22 thing on the far right, that is the lamp shade?

23 A. Here's the tassels, yes, sir.

24 Q. So, if you knocked it over, then,

I

25 guess, you picked it back up and put it back on the

Sandra M. Halsey, CSR, Official Court Reporter

1956

1 couch?

2 A. It was inspected during the day,
and

3 it could have been inspected, sir.

4 Q. Okay. So somebody picked it --
5 somebody knocked it down, and somebody picked it back
up

6 and put it on the couch?

7 A. Possibly, inspected, yes, sir.

8 Q. Okay. And we're not sure what
that

9 sequence is, are we?

10 A. No, sir.

11 Q. Okay. This photograph dated --

No. 36

12 dated 6-8.

13 A. Yes, sir.

14 Q. Does it still appear to have some
15 files or papers there on the couch?

16 A. Yes, sir, there's some on the
couch.

17 Q. Those are ones you didn't collect?

18 A. That's correct.

19 Q. And they were not on -- they were
not

20 at that location on the 25th on the Exhibit 25?

21 A. They are not there,
yes, sir.

22 Q. Okay. So I take it
from that that

23 they are in the green folder when 25 is
taken, or in

24 those green stacks?

25 A. It could be, yes,
sir.

Sandra M. Halsey, CSR, Official
Court Reporter

1957

1 Q. Okay. And two days
later, they are

2 sitting on the couch, some of them?

3 A. Some of them.

4 Q. Did you have any
explanation about how

5 some of the documents that you didn't
collect get picked

6 up and put back on the couch?

7

8 MR. GREG DAVIS: I'm
going to object

9 to that. That calls for speculation.
He wasn't there on

10 the 8th.

11 THE COURT: Sustain
the objection.

12

13 BY MR. RICHARD C. MOSTY:

14 Q. Do you know?

15

16 MR. GREG DAVIS: I'm
going to object.

17 He said he was not there on the 8th.

18 THE COURT: Well, if
he knows from his

19 own knowledge, I'll let him answer. Do
you know from

20 your own knowledge?

21 THE WITNESS: No,
sir.

22 THE COURT: Next
question.

23 MR. RICHARD C. MOSTY:

Mark this

24 please, Defendant's Exhibits Nos. 37,

38, and 39 and 40.

25

Sandra M. Halsey, CSR, Official
Court Reporter

1958

1 (Whereupon, the
following
2 mentioned item was
3 marked for
4 identification only
5 after which time the
6 proceedings were
7 resumed on the record
8 in open court, as
9 follows:)

10

11 THE COURT: Mr. Mosty, while you
are
12 doing that, let's take a 10 minute break.

13

14 (Whereupon, a short
15 Recess was
taken,

16 After which
time,

17 The proceedings
were

18 Resumed on the
record,

19 In the presence
and

20 Hearing of the
defendant

21 And the jury, as
follows:)

22

23 THE COURT: All right. Are both
sides

24 ready to bring the jury back in and resume?

25 MR. GREG DAVIS: Yes, sir, the
State

Sandra M. Halsey, CSR, Official Court Reporter

1959

1 is ready.

2 MR. RICHARD C. MOSTY: Yes, sir,
we're

3 ready now.

4 THE COURT: All right. Bring the
jury

5 back.

6

7 (Whereupon, the jury

8 Was returned to
the

9 Courtroom, and

the

10 Proceedings

were

11 Resumed on the

record,

12 In open court, in

the

13 Presence and

hearing

14 Of the defendant,

15 As follows:)

16

17 THE COURT: Let the record

reflect

18 that all parties in the trial are present and the
jury is

19 seated.

20 Mr. Mosty.

21

22

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

1960

1 CROSS EXAMINATION (Resumed)

2

3 BY MR. RICHARD MOSTY:

4 Q. You were in charge of the
property

5 list; is that my understanding?

6 A. Yes, sir.

7 Q. And from that, you do not know if
this

8 white rag that you didn't collect was ever
collected?

9 A. With all of the evidence, I'm not
for

10 sure, sir.

11 Q. Okay. Let me just cover a couple
more

12 things.

13 Let me show you State's (sic)
Exhibits

14 37 and 38, and ask you if they accurately depict the
15 scene at the Routier home?

16 A. Yes, sir.

17

18 MR. RICHARD C. MOSTY: We will
offer

19 37 and 38.

20

MR. GREG DAVIS: We would like to

take

21 the witness on voir dire, your Honor.

22

THE COURT: You may.

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

1961

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22

VOIR DIRE EXAMINATION

BY MR. GREG DAVIS:

Q. Officer Mayne, let me ask you to

look

at Defendant's Exhibit No. 38. Does it have a date

stamp

on it, sir?

A. Yes, sir, it does.

Q. Can you see it there? Is it real

faint down there?

A. Yes, it is.

Q. This is one of the photographs

that

you took on the 6th; is that right?

A. Yes, sir.

Q. Okay.

MR. GREG DAVIS: No objections to

Defendant's Exhibits 37 and 38.

THE COURT: Defendant's Exhibits

and 38 are admitted.

(Whereupon, the items

Heretofore mentioned

23

Were received in evidence

24

As Defense Exhibit No.

25

37 & 38 for all purposes,

Sandra M. Halsey, CSR, Official Court Reporter

1962

1 After which time, the
2 Proceedings were resumed
3 As follows:)

4

5

6 CROSS EXAMINATION (Resumed)

7

8 BY MR. RICHARD MOSTY:

9 Q. The one you were just talking
about

10 with Mr. Davis was 38? That has the faint date
stamp on

11 it?

12 A. Yes, sir.

13 Q. Is that right? Okay. That was
taken

14 on the 6th?

15 A. It appears so, yes, sir.

16 Q. Okay. And it was taken after you
had

17 removed the towels?

18 A. Yes, sir.

19 Q. The towels are gone by this time?

20 A. Yes, sir.

21 Q. And in fact, the runner has
moved,

22 hasn't it?

23 A. Yes, sir.

24 Q. And how did that runner move?

25 A. I'm not for sure, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1963

1 Q. In the earlier photographs it's
2 wrinkled up, is it not?

3 A. Yes, sir, it was.

4 Q. And in this photograph on 38, by
this
5 time it's been moved, and it's actually -- it's no
longer
6 wrinkled up, it's sort of straightened out?

7 A. Yes, sir.

8 Q. But it's laying up against the
wall?

9 A. Yes, sir.

10 Q. It has blood on it, doesn't it?

11 A. Yes, sir, it does.

12 Q. You didn't move it, I guess?

13 A. No, sir.

14 Q. Okay. Well, here is 29, shows
them
15 for comparison purposes. Number 29, the lower one,
has
16 several things in it, does it not?

17 A. Yes, sir.

18 Q. It has the towels, it also has
this
19 rug back there, doesn't it?

20 A. Yes, sir.

21 Q. And by 28, some of that
evidence has

22 been collected?

23 A. Yes, sir, it has.

24 Q. Did you collect that rug?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1964

1 Q. Who did?

2 A. I'm not for sure, sir.

3 Q. Was it collected?

4 A. I'm not for sure, sir.

5 Q. Okay. Do you know where it
was moved
6 to?

7 A. No, sir.

8 Q. Okay. Also, looking at 29,
do you see
9 some green stains there, or some staining next
to that
10 rug?

11 A. Yes, sir.

12 Q. Okay. Staining on the
carpet?

13 A. Yes, sir.

14 Q. Now, when you took this
photograph,
15 there had not been any testing done, had there?

16 A. No, sir.

17 Q. There had been no luminal
testing or
18 any kind of chemicals put on that --

19 A. No, sir.

20 Q. -- rug that would discolor
it?

21 A. No, sir.

22 Q. It was that color when you
went in the
23 house?

24 A. Yes, sir.

25 Q. That discoloration? Now,
Exhibit 37,

Sandra M. Halsey, CSR, Official Court
Reporter

1965

1 does that depict the wine glass?

2 A. Yes, sir.

3 Q. The broken part?

4 A. Yes, sir.

5 Q. And does it show the whole
stem?

6 A. Yes, sir.

7 Q. Is the base still on it?

8 A. You mean the bottom
base?

9 Q. Yes, the flat part.

10 A. Let me see. No, sir.

11 Q. Okay. It's the stem and part of
the
12 bowl?

13 A. Yes, sir.

14 Q. And, this, again, is a piece of
15 evidence that you chose not to collect?

16 A. That's correct.

17 Q. If someone were to pick up that
and
18 leave prints on it, where would they most likely
leave
19 prints?

20 A. On part of the glass.

21 Q. At the bottom of the bowl maybe?

22 A. I'm not for sure. I don't know

how

23 they picked it up.

24 Q. Okay.

25 A. So, I wouldn't -- I mean, they
could

Sandra M. Halsey, CSR, Official Court Reporter

1966

1 leave it on any part of the glass.

2 Q. Well, I'm just talking about as
an

3 officer, would you suspect that perhaps one of the
places

4 might be at the bottom where the stem joins the
bowl?

5 A. It could have been.

6 Q. And you made the conscious
decision,

7 it was not necessary to pick that up?

8 A. That's correct.

9 Q. Can you give any idea of how many
--

10 well, that wouldn't be a fair question. I'm not
going to

11 ask that. When you were -- you were moving around
the

12 kitchen to photograph it?

13 A. Yes, sir.

14 Q. And you went around different
places?

15 A. Yes, sir.

16 Q. When you say -- and as you went
in the

17 living room, did you see evidence of foot traffic?

18 A. Of the foot traffic?

19 Q. Yes. The first time you went in,
did

20 you see evidence of foot traffic?

21 A. No, sir.

22 Q. None?

23 A. None.

24 Q. You never saw that footprint

behind

25 the couch?

Sandra M. Halsey, CSR, Official Court Reporter

1967

1 A. Now, you said going in, yes, I
saw one

2 behind the couch.

3 Q. Okay. That was later?

4 A. Yes.

5 Q. Okay. When you first went in and
you

6 saw where Damon had been, did you see any evidence
of

7 foot traffic?

8 A. Walking in first to the family
room?

9 Q. Yes, walking -- the first time
in.

10 Now, you told me earlier you all walked in, you went
11 single file around the blood. That is during the
12 walk-through?

13 A. Yes, sir.

14 Q. Then you walked in and you take
the

15 photographs?

16 A. That's correct.

17 Q. And you took some photographs
right

18 there to the left, that is in State's Exhibit 11-A,

it

19 looks like.

20 A. Yes, sir.

21 Q. That is a photograph to the left
down

22 in this lower corner?

23 A. Yes, sir.

24 Q. That is a photograph of
immediately to
25 the left as you walk past that entry hall?

1 A. Yes, sir.

2 Q. Okay. Were you able to not get
blood

3 on your feet when you went down that runner?

4 A. I'm not for sure, sir.

5 Q. Okay. When you turned and you
looked

6 over there where Damon had been in this photograph
11,

7 did you see evidence of foot traffic down there?

8 A. I don't recall.

9 Q. You don't recall. Did you see
10 evidence of anything; any kind of activity going on
at
11 that location?

12 A. Just blood.

13 Q. Okay. You saw no evidence of
14 paramedics being there and intervening?

15 A. No, sir. I was not there when
they

16 were there.

17 Q. No, I'm talking about did you see
18 evidence in the blood, that somebody had been there
and

19 doing something or walking through?

20 A. I think there was some gauze
packages.

21 Q. But in the blood, you didn't see
any

22 evidence --

23 A. No, sir.

24 Q. -- of that?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1969

1 Q. Okay. Did you find a blood track
out
2 in the garage?

3 A. No, sir.

4 Q. Did you look at the bottom of
your
5 shoe?

6 A. At what point?

7 Q. As you were coming in or out, did
you
8 check the bottom of your shoes?

9 A. No, sir.

10 Q. Did
not?

11 A. No,
sir.

12 Q. And no photographs were taken of
that,
13 I'm sure?

14 A. Not of my shoes, no, sir.

15 Q. Okay. So you don't know whether
or
16 not you had blood on your feet or glass on your
feet
17 because you didn't look?

18 A. No, I didn't look.
19 Q. So, you don't know?
20 A. No, sir.
21 Q. How many times have you been
over your
22 testimony?
23 A. Several.
24 Q. With whom? The district
attorney?
25 How many times?

Sandra M. Halsey, CSR, Official Court Reporter

1970

1 A. Approximately four.

2 Q. Approximately four. When were
they?

3 A. Approximately sometime late
summer.

4 Q. Where was that?

5 A. That was at the district
attorney's
6 office.

7 Q. Did you make any notes of that
8 meeting?

9 A. No, sir.

10 Q. Did you go back and look at your
11 reports for that meeting?

12 A. When?

13 Q. Before or after?

14 A. I looked over my notes that I
had.

15 Q. Okay. Before the meeting?

16 A. Yes, sir.

17 Q. And the next meeting was when?

18 A. Sometime in October, in that
area.

19 Q. At what location?

20 A. At the -- our police station.

21 Q. Did you have an opportunity to
look

22 over your notes before that meeting?

23 A. No, sir.

24 Q. These meetings were with whom?

Who

25 from the district attorney's office was there?

Sandra M. Halsey, CSR, Official Court Reporter

1971

1 A. Greg Davis.

2 Q. Only Greg Davis?

3 A. No, sir, there was more people
there.

4 Q. He was --

5 A. I don't recall.

6 Q. He is the only one you remember?

7 A. Yes, sir.

8 Q. Okay. And the third meeting?

9 A. Now, is this just with the
district
10 attorney's office?

11 Q. With anybody from the district
12 attorney's office.

13 A. I met -- the district attorney's
14 office at the -- sometime in November or December.

15 Q. And where was that?

16 A. At the district attorney's
office.

17 Q. And, who was there for that
meeting?

18 A. Greg Davis, and there were
several
19 other people.

20 Q. From the district attorney's

office?

21 A. That's correct.

22 Q. Okay. Do you remember any of
them?

23 A. Yes, sir. I don't know their
names,

24 but I know their faces.

25 Q. And, that was the third meeting,
that

Sandra M. Halsey, CSR, Official Court Reporter

1972

1 was in November?

2 A. Yes, sir.

3 Q. Down at the DA's office?

4 A. Yes, sir.

5 Q. And, the fourth meeting was
when?

6 A. I don't recall. It was late or
middle

7 winter, I guess, late fall. That was out at 5801
Eagle

8 Drive.

9 Q. Is that after the third meeting
at the
10 DA's office or before?

11 A. I'm sorry?

12 Q. Is -- you told me that the third
one

13 was in November at the DA's office.

14 A. November or December.

15 Q. And this is another one after
that?

16 A. It could have been before or
after. I

17 don't recall.

18 Q. Okay. And that is four. Any

others?

19 A. Yes, sir.

20 Q. And how many others?

21 A. I have --

22 Q. Times where you have gone over
your

23 testimony.

24 A. I mean, there's several other

times by

25 myself that I went over my testimony. But with the

1 district attorney's office it's been approximately
four
2 times.

3 Q. What about since you have been
down

4 here? How many times have you gone over your
testimony

5 with the district attorney's office?

6 A. Couple of times.

7 Q. Okay. When were those?

8 A. That would have been last Sunday.

9 Q. Okay.

10 A. And last night.

11 Q. Okay. What about the night

before

12 last, before you took the stand?

13 A. No, sir.

14 Q. Went over it last night?

15 A. Yes, sir.

16 Q. Your testimony? With who, Mr.
Davis?

17 A. Yes, sir.

18 Q. About how long?

19 A. 30 or 45 minutes.

20 Q. So, if I understand, that was 6

21 meetings, about?

22 A. Yes, sir.

23 Q. Four in Dallas and two down here?

24 A. Yes, sir.

25 Q. The meeting last night, who all
was

Sandra M. Halsey, CSR, Official Court Reporter

1974

1 there?

2 A. Greg Davis, and one of the other
DA's

3 here.

4 Q. Mr. Shook?

5 A. No, sir.

6 Q. Not -- wasn't Mr. Shook or Ms.
7 Wallace?

8 A. It was Sherri Wallace.

9 Q. And just the three of y'all?

10 A. Yes, sir.

11 Q. Well, last Sunday when you went
over

12 your testimony, how many people were there?

13 A. A couple. It was Miss Wallace
and

14 Greg Davis.

15 Q. Who else?

16 A. That's it.

17 Q. Nobody else from Rowlett PD?

18 A. No, sir.

19 Q. What about the meeting in
November or

20 December down at the DA's office, who was there?

21 A. There were several other

officers.

22 Q. Several meaning three?

23 A. No, more.

24 Q. More than that?

25 A. Yes, sir.

Reporter Sandra M. Halsey, CSR, Official Court

1975

1 Q. Well, all of the officers who
have
2 testified down here, that you have seen down here
this
3 week, were all of them down there?

4 A. Yes, sir.

5 Q. And y'all were all in the room
6 together?

7 A. Yes, sir.

8 Q.

Courtroom?

9 A. Yes,
sir.

10 Q. Okay. And, who -- did somebody
play

11 my role as the defense attorney, question you?

12 A. There was people questioning me,
yes,

13 sir.

14 Q. They were cross examining you?

15 A. Yes, sir.

16 Q. And you went over all this stuff
that

17 I have gone over, you went over that in great detail
at

18 that meeting, didn't you?

19 A. Well, they went over some items.

20 Q. I take it there's some items I

have

21 covered that they didn't?

22 A. I don't think so. I don't

recall.

23 Q. You don't think so. So all of

this

24 stuff, you have been over it, every bit of it,

before?

25 Back in December and November, right?

Sandra M. Halsey, CSR, Official Court
Reporter

1976

1 A. Most of it, yes, sir.

2 Q. And you went over most of it
in the
3 presence of all those other officers, right?

4 A. Yes, sir.

5 MR. RICHARD MOSTY: That's all
I have.

6 MR. GREG DAVIS: No further
questions.

7 THE COURT: All right. You
may step

8 down. Your next witness.

9 MR. GREG DAVIS: Call Officer
Charles
10 Hamilton.

11 THE COURT: Officer Hamilton.

12 THE COURT: Watch your step.

Thank

13 you.

14 MR. DOUGLAS MULDER: We
probably

15 aren't going to need him again if he wants to go
back to

16 Rowlett.

17 THE COURT: Well, both sides -

- I

18 think we ought to agree that both sides will
excuse the

19 witnesses, subject to recall. Is that
satisfactory?

20 MR. DOUGLAS MULDER: Yes, sir.

21 MR. GREG DAVIS: Yes, sir.

22 THE COURT: All right. Thank
you.

23 Lieutenant, you have been
sworn,

24 right? You were sworn with the first group?

25 THE WITNESS: No, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1977

1 THE COURT: All right. Raise
your
2 right hand, please.

3
4 (Whereupon, the witness
5 was duly sworn by the
6 Court, to speak the
truth,
7 the whole truth and
8 nothing but the truth,
9 after which, the
10 proceedings were
11 resumed as follows:)

12
13
14 THE COURT: Do you solemnly
swear or
15 affirm the testimony you are about to give will be
the
16 truth, the whole truth and nothing but the truth, so
help
17 you God?

18 THE WITNESS: I do.

19 THE COURT: Will you please have
a
20 seat.

1 to talk to you about your testimony, tell the
attorney

2 for the side who called you. And just speak loudly
into

3 the microphone, please.

4 THE WITNESS: All right.

5 THE COURT: All right. Mr.

Davis.

6 MR. GREG DAVIS: Thank you, Judge.

7

8 Whereupon,

9

10 OFFICER CHARLES HAMILTON,

11

12 Was called as a witness, for the State of Texas,
having

13 been first duly sworn by the Court, to speak the
truth,

14 the whole truth, and nothing but the truth, was
examined

15 and testified in open court, as follows:

16

17

18 DIRECT EXAMINATION

19

20 BY MR. GREG DAVIS:

21 Q. Sir, would you please tell us your
22 full name.

23 A. Charles Hamilton.

24 Q. Mr. Hamilton, you're a Rowlett
police
25 officer?

Sandra M. Halsey, CSR, Official Court Reporter

1979

1 A. That's correct.

2 Q. How long have you been with the
3 Rowlett Police Department?

4 A. Over two years.

5 Q. All right. What are your duties
at
6 the present time?

7 A. I am a patrolman and a crime scene
8 officer.

9 Q. How long have you been a crime
scene
10 officer, in addition to being a patrol officer?

11 A. Approximately 21 months.

12 Q. All right. Let me direct your
13 attention back to June the 6th, 1996. Were you on
duty
14 that day?

15 A. Yes -- no, I was not on duty that
day.

16 Q. Okay. Did you get a call to go up
to
17 5801 Eagle Drive?

18 A. Correct. I received a call-out
from
19 dispatch at my house.

20 Q. All right. And, did you go up

there

21 sometime during the morning then to Eagle Drive?

22 A. Yes. I arrived on Eagle shortly

23 before 9 a.m.

24 Q. Okay. Let me ask you, I want to

go to

25 what you did out there. Let me ask you: If at some
time

Sandra M. Halsey, CSR, Official Court Reporter

1980

1 that morning after arriving at the scene, were you
2 instructed to process that house for possible
3 fingerprints?

4 A. That's correct.

5 Q. Okay. And, you have heard the
term

6 "latent fingerprints"; is that right?

7 A. Yes.

8 Q. What is a latent fingerprint?

9 A. The skin on the inside of human
hands

10 and fingers is composed of what they call friction
11 ridges. Also, the skin has pores through which sweat
and

12 other body oils -- other body oils are secreted.

13 Sometimes when the human finger or
14 palm touches a surface, an impression will be left.

All

15 of those friction ridges are called latent or hidden
16 prints. Not really visible to the human eye
necessarily.

17 Q. All right. So, for instance, this
18 morning if I touch the counsel table here in front of
me

19 with my fingers, lift up, is there a possibility that

I

20 may have left my latent fingerprints on this table?

21 A. That's correct.

22 Q. Okay. Were those the types of
things

23 that you were looking for out there that morning at
Eagle

24 Drive?

25 A. That is in fact what I was looking

Sandra M. Halsey, CSR, Official Court Reporter

1981

1 for.

2 Q. How much experience have you had
in
3 trying to collect latent fingerprints?

4 A. Approximately five years.

5 Q. All right. And what sort of
training

6 did you undergo for that sort of duty?

7 A. Well, initially, I had about 125
8 actual hours training under Dr. Richard Ladner at
Western

9 New Mexico University. Later, a series of courses,
on

10 crime scene and forensic courses, as a policeman with
the

11 Rowlett Police Department under various instructors,
Max

12 Courtney out at Southwest Forensics in Fort Worth; Ed

13 Haskey, senior crime scene analyst with Tulsa
Police

14 Department; Richard Dodge, detective with the
Dallas

15 Police Department, one of their senior crime
scene

16 analysts, and others.

17 Q.

Okay. Let me ask you:

You said you

18 have been doing this

-- been in this for about

five

19 years. Were you a

police officer somewhere

else before

20 you came to Rowlett?

21 A.

Yes.

22 Q.

Tell us the other

departments that you

23 served with prior to

going to Rowlett?

24 A. I

worked as a patrolman in

Clovis, New

25 Mexico, for about 2

years, directly prior to

being hired

Sandra M.
Halsey, CSR, Official

1 by the City of
Rowlett.

2 Q.
Okay.

3 A. Also, while I was at the
University of
4 New Mexico, I worked at their police department as a
5 patrolman.

6 Q. Okay. So you have been a police
7 officer a total of how many years?

8 A. Almost five years.

9 Q. Now, when you set about to start
10 processing that residence for possible latent prints,
did
11 someone tell you where to go to specifically in that
12 house?

13 For instance, did they say,
Officer

14 Hamilton, I want you to go over here and process
this
15 area right here?

16 A. I conferenced with my crime
scene
17 sergeant's supervisor who was on the scene, and
we

18 exchanged ideas about some places that a
suspect may have

19 touched coming in or out or while in the home.

I

20 processed those areas that I was instructed to,
in

21 addition to some that common sense told me
might be wise

22 to process.

23 Q. Okay. Do you remember the
first part

24 of that house that you went to process that
morning?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court
Reporter

1983

1 Q. Can you tell the members of
the jury

2 what area you processed first?

3 A. The area I processed first
was a

4 window in the garage, it had a slashed screen,
the window

5 was opened slightly. An alleged point of entry
or exit

6 for a potential suspect. That was the first
area I

7 processed for latents.

8 Q. Okay. And just again, why
did you

9 pick that as the first area to go process?

10 A. That was just a starting
point. I

11 felt it was important. My sergeant felt it was
important

12 enough to process immediately.

13 Q. Okay. Was that the
suspected point of

14 entry and exit?

15 A. That's what I was told.

16 Q. Okay. How did you go about
processing

17 the window then? What did you do?

18 A. I used black fingerprint
powder,

19 carbon powder. I felt it would be the most --
the best

20 agent for -- processing agent for the surfaces
I was

21 working with.

22 Q. Okay. What kind of surfaces
were you

23 working with?

24 A. Glass on the actual window,
metal on

25 the window frame, metal on the window screen
frame,

Sandra M. Halsey, CSR, Official Court
Reporter

1984

1 painted surface of the trim area around the
window.

2 Q. Okay. Were you able to lift
any

3 latent fingerprints from the window area?

4 A. Yes.

5 Q. How many actual -- well, let me
just

6 ask you: If you find a latent print in the powder
that

7 you placed down, how do you actually collect the
latent

8 fingerprint?

9 A. Okay. You -- first you process
the

10 area with the powder and a brush, a latent print
appears,

11 you get a piece of tape, latent recovery tape,
you make

12 an impression on the tape over the latent, and
then you

13 affix the tape to a latent print lift card, a
cardboard

14 card.

15 Q. Okay.

16 A. On the card you can note
where, when,

17 and document the different details.

18 Q. Okay. So if you find a print
then

19 you, using tape, you transfer it to a card; is
that

20 right?

21 A. That's correct.

22 Q. That would be the record of
your

23 latent print, right?

24 A. That is one of the records.

25 Q. Okay. The purpose of latent
print

 Sandra M. Halsey, CSR, Official Court
Reporter

1985

1 collection is what? So you can compare it
against a

2 known print, if you have one?

3 A. Yes.

4 Q. Okay.

5 A. That is one of the
purposes.

6 Q. Okay.

7

8

9 (Whereupon, the
following

10 mentioned item was
11 marked for
12 identification only
13 after which time the
14 proceedings were
15 resumed on the record
16 in open court, as
17 follows:)

18

19 BY MR. GREG DAVIS:

20 Q. Officer Hamilton, let me show you
what

21 has been marked as State's Exhibit 85-A, 85-B, 85-C,
22 85-D, and 85-E; ask you to look at those five cards

and

23 please tell me if you recognize those or not?

24 A. Yes, I recognize them.

25 Q. Okay. Are those, in fact, the
five

Sandra M. Halsey, CSR, Official Court Reporter

1986

1 fingerprints that you were able to lift from the
window

2 there at 5801 Eagle Drive on June 6th, 1996?

3 A. Those are the five latents lifted
from

4 the window.

5 Q. Okay.

6

7 MR. GREG DAVIS: Your Honor, at
this

8 time we will offer State's Exhibit 85-A, B, C, D and
E.

9 THE COURT: Any objection?

10 MR. RICHARD C. MOSTY: No
objection.

11 THE COURT: State's Exhibits 85-
A, B,

12 C, D, and E are admitted.

13 MR. GREG DAVIS: Thank you.

14

15 BY MR. GREG DAVIS:

16 Q. Officer Hamilton, if we can,
let's go

17 through each one of these cards. Let me ask you
this:

18 On each card do you place on the card, for your

records,

19 where the latent fingerprint was actually collected?

20 A. Yes.

21 Q. Okay. Do you put the date that
you

22 collected it?

23 A. That's correct.

24 Q. You put your case number on there
25 also?

Sandra M. Halsey, CSR, Official Court Reporter

1987

1 A. Yes.

2 Q. You put the victim's name, in
this

3 case, Routier, correct?

4 A. That's correct.

5 Q. The address of the incident?

6 A. Yes.

7 Q. You also put, again, the
location of

8 the latent prints lifted. You place that also on
your

9 card, right?

10 A. Yes.

11 Q. Okay. If we can, let's look
first at

12 State's Exhibit 85-A. The front part of the card,
does

13 that contain the type of information that you have
just

14 talked to us about; the residence, victim, the date,
the

15 case number, as well as the location where the print
was

16 lifted?

17 A. Yes.

18 Q. And will that be the same on
State's

19 Exhibit 85-B through E?

20 A. Yes.

21 Q. And, again, on the back part of
that

22 card, will we then actually see the latent print
that you

23 lifted?

24 A. In addition to the tape, yes,

sir.

25 Q. Okay. So, that will actually --
the

1 tape will actually be over the latent print itself;
is

2 that right?

3 A. Yes.

4 Q. Will that be true for each one of
5 these other four cards? The information is on the
front

6 and the latent print and the tape is going to be on
the

7 back of each card; is that correct?

8 A. That's correct.

9 Q. Okay. If you would, let's start
again

10 with State's Exhibit 85-A, and just tell us where
you

11 actually retrieved that latent print, sir.

12 A. This latent print, in addition
to the

13 others, were recovered from the window I mentioned

14 earlier in the garage with the slashed window
screen,

15 open window.

16 The actual place that these were
17 recovered was the inside of the window metal frame,
the

18 bottom of the sliding glass window, the window
being
19 opened approximately this much, the metal frame,
the
20 inside lip, the prints were recovered 5 to 11
inches from
21 the corner of the window, left-hand corner, facing
it
22 from the inside.

23 Q. Okay. So, if we're here on the
jury

24 and we are in the garage?

25 A. Okay.

1 Q. Say, so, we're inside the garage
and

2 the window is here. Okay?

3 A. Okay.

4 Q. We're talking about the -- are
we

5 talking about the inside portion -- that portion
being

6 closer to the garage than outside, correct?

7 A. That's correct. Inside.

8 Q. When you talk about the bottom
portion

9 of the window, would we be talking about the bottom
part

10 of the frame, if the window is here, if we can just
11 envision a square here, we're talking about the
bottom

12 portion of that window; is that correct?

13 A. Yes.

14 Q. And you had mentioned it's a
certain

15 distance from a corner of that window.

16 A. Yes, that's
correct.

17 Q. And what was

that?

18 A. They were,
in distance, from 5 to 11
19 inches from the east corner of
the frame. You have to be
20 in the house to probably
picture that, but facing it from
21 the left hand edge of this
frame, 5 to 11 inches from the
22 corner.

23 Q. Okay. All
right. So, that's where
24 State's Exhibit 85-A was
collected, correct?

25 A. Yes.

Sandra M. Halsey, CSR,
Official Court Reporter

1990

1 Q. And there's
actually, again, the

2 latent itself is on the back
part of that card, right?

3 A. Yes, sir.

4 Q. Okay.

Let's look at State's Exhibit

5 85-B. Can you tell us where
that latent print was

6 retrieved?

7 A. The same
approximate location that the

8 aforementioned one was.

9 Q. Okay. So,
again, we're talking the

10 inside ledge of the window
frame, 5 to 11 inches from the

11 east corner of the frame
again, right?

12 A. That's
correct. May I see that again,

13 please?

14 Q. Yes, sir.

15 A. Okay. In
addition to what you're

16 asking, I've made multiple

lifts of one of the latents.

17 This is the same specific
latent I was able to make two
18 lifts from this specific
latent impression.

19 Q. Okay. All
right. You are referring
20 to 85-A and B, right?

21 A. That's
correct.

22 Q. Okay. Let
me ask you, again, if you
23 will, tell us whether or not
on State's Exhibit 85-C, D
24 and E, whether in fact, you
listed the locations of those
25 latent prints as being the
same general location on the

Sandra M. Halsey, CSR,
Official Court Reporter

1991

1 window where you found 85-A
and B?

2 A. That's
correct.

3 Q. Okay. Now, we have five latent
cards

4 here in front of us. Let's talk about the window
only at

5 this time. The window where you lifted these five
6 latents from. Okay?

7 A. Okay.

8 Q. Let me ask you: Whether or not,
9 besides this portion of the window, were you able
to lift

10 any other latent prints from that window, sir?

11 A. I found no other latent
impressions

12 anywhere on or near that window, the frame, the
glass,

13 the screen or the surrounding trim.

14 Q. Okay. Let me ask you, sir, if
you

15 would please tell us, the other areas of that
window that

16 you attempted to process.

17 First of all, let's talk about
the

18 glass portion of the window itself. Did you
process the

19 portion of the glass that would be facing the
garage, the

20 inside part of that window?

21 A. Yes.

22 Q. Okay. Were you able to find any
other

23 latent prints on the inside surface of the glass
itself?

24 A. No, I wasn't.

25 Q. Did you process the other
portions of

1 the inside of that window frame? You talked about
the
2 bottom portion where you found these latent prints,
but
3 let's talk about the sides first.

4 Did you process those areas,
also, for
5 latent fingerprints?

6 A. Yes, I did.

7 Q. Did you find any other latent
8 fingerprints on the side portions of the inside of
the
9 frame?

10 A. No.

11 Q. How about the top inside
portion of
12 the frame? Did you process that for latent
fingerprints?

13 A. I did.

14 Q. Were you able to lift any
latent
15 fingerprints from that portion of the window?

16 A. I was not.

17 Q. Let's go to the outside of the
window.

18 Did you go out and process the outside portion of
the

19 window also?

20 A. Yes.

21 Q. Did you process, first of all,
the

22 outside glass surface of that window?

23 A. Yes. I processed the outside
glass

24 surface of the window.

25 Q. All right. Were you able to
lift any

Sandra M. Halsey, CSR, Official Court
Reporter

1993

1 latent fingerprints from the outside of the glass?

2 A. I was not able to recover any
there.

3 Q. Let's talk about the bottom
portion of

4 the frame now that faces outside. Okay?

5 A. Okay.

6 Q. Did you process that part of
the

7 window frame?

8 A. Yes.

9 Q. Were you able to lift any
latent

10 fingerprints from that portion of the window?

11 A. No.

12 Q. You were not?

13 A. I was not able to.

14 Q. How about the side frames that
face

15 outward to the window?

16 A. I processed those.

17 Q. Were you able to lift any
latent

18 fingerprints from that part of the frame?

19 A. No.

20 Q. Finally, let's talk about the
upper

21 outside part of the frame for the window. Did you
22 process that also for fingerprints?

23 A. I did, in fact.

24 Q. And were you able to lift any
25 fingerprints from that, sir?

 Sandra M. Halsey, CSR, Official Court
Reporter

1994

1 A. No.

2 Q. Is that unusual to process an
item

3 such as a window and not come up with additional
latent

4 fingerprints?

5 A. No, it's not unusual.

6 Q. Okay. Does it sometimes depend
on the

7 surface?

8 A. The surface, atmospheric
conditions,

9 among other things.

10 Q. I guess, also, it may depend
upon

11 whether anybody actually touched it or not, right?

12 A. True. How long ago it was
touched, if

13 it was touched, a number of factors.

14 Q. Okay. Let's talk about the
15 windowsill. Do you recall the windowsill that

would have

16 been underneath the open window?

17 A. Yes.

18 Q. Did you process the windowsill

for

19 fingerprints, also?

20 A. Yes.

21 Q. Were you able to recover any
latent

22 fingerprints from the windowsill itself?

23 A. No.

24 Q. None?

25 A. None.

Sandra M. Halsey, CSR, Official Court
Reporter

1995

1 Q. The screen which is State's
Exhibit

2 42-A, if you would, tell us whether or not you
3 processed -- first of all, let's start with the
inside

4 portion. Okay?

5 A. Okay.

6 Q. Of that window screen. Let me
ask

7 you, sir: Whether or not you processed the inside
8 portion of the window screen frame?

9 A. I did, in fact.

10 Q. The top, sides and the
bottom?

11 A. Yes.

12 Q. Were you able to lift any
latent

13 fingerprints from the inside portion of this
frame?

14 A. I was not.

15 Q. The screen itself, is that going
to be

16 a surface where you could actually lift a latent
17 fingerprint?

18 A. Not to my knowledge.

19 Q. Okay. It's not a smooth enough
20 surface?

21 A. It's not a surface conducive to
22 leaving a fingerprint impression, to my knowledge.

23 Q. Okay. Let's go to the outside
portion

24 of that frame for a moment. Did you go out and did
you
25 process now the outside portion of the frame?

the

20 garage and just outside of this garage window that I
felt

21 a potential suspect may have had to touch or handle
to

22 come in or out of the window, so I processed those
items.

23 Q. Okay. Hold on. Let me see if I
can

24 find a photograph that might show some of those
items.

25 Officer Hamilton, let me just ask
you,

1 if you will, if you can't see this let me know and
I'll

2 have you step down. All right?

3 A. Okay.

4 Q. Okay. Looking at State's Exhibit
5 13-A. Do you see that photograph, sir?

6 A. Yes.

7 Q. Okay. Do you see some green --
what

8 appear to be green plastic chairs outside of this
window

9 that you have just told us that you processed?

10 A. Yes, I see them.

11 Q. Okay. Tell me whether or not you
made

12 any efforts to process the green plastic chairs that
we

13 see here outside of the window in State's Exhibit 13-
A?

14 A. I did, in fact, process those
green

15 plastic chairs.

16 Q. Okay. Were you able to lift any
17 latent fingerprints from the plastic chairs that we
see

18 in State's Exhibit 13-A?

19 A. No.

20 Q. Okay. Do you recall whether or
not

21 you attempted to lift any other latent fingerprints
from

22 any of the items outside of that window?

23 A. I don't recall processing any
other of

24 those items in the picture outside of the window.

25 Q. Okay. But, the chairs were
processed,

1 right?

2 A. That's correct.

3 Q. Including the one that appears
to be

4 turned over?

5 A. Yes.

6 Q. No latent fingerprints?

7 A. None.

8 Q. Did you ever attempt to lift
latent

9 fingerprints from the gate or any portion of the
fence

10 back there in the backyard?

11 A. No.

12 Q. Okay. If that was done, that
would

13 have been done by somebody else; is that right?

14 A. That's correct.

15 Q. Okay. Let's go back inside of
the

16 garage then. Did I understand you to say just a
moment

17 ago that you also processed some of the items
inside of

18 the garage near the window?

19 A. Yes.

20 Q. Sir, if you could, please step
down
21 for a moment and help me with this photograph. And
I'm
22 going to have you point out some items in the
garage to
23 the members of the jury here.
24 I'll tell you what. If you will
stand
25 over on the other side.

Sandra M. Halsey, CSR, Official Court Reporter

1999

1 A. Okay.

2 Q. That ought to be the easiest way.

3 A. Okay.

4 Q. Let me give you this pointer to
use
5 too, it might be a little bit easier for you.
Again, if
6 you will stand back far enough so everybody can see.
7 Okay. If we could, let's look at State's Exhibit
40-B.
8 You recognize that to be the interior portion of the
9 garage there?

10 A. Yes.

11 Q. Okay. And we see -- do we see
the
12 window that you have told us about processing?

13 A. That's correct.

14 Q. Do you see?

15 A. Yes, I do.

16 Q. All right. And, was that window
in
17 the same position at the time that you processed it
for
18 latent fingerprints?

19 A. It appears so.

20 Q. Okay. Do you see any other
items in

21 State's Exhibit 40-B that you processed for latent
22 fingerprints that day?

23 A. Yes.

24 Q. Could you please point them out
for
25 the members of the jury?

Sandra M. Halsey, CSR, Official Court Reporter

2000

1 A. I processed this blue Cowboys --
I
2 believe it was a trash can. This white plastic,
also a
3 trash can, this animal, portable animal carrier
cage,
4 there is a white refrigerator, also. I don't know if
5 this is going to be it here, I can't tell from this
6 photograph, it was near this window that I felt maybe
7 somebody might have touched. I processed it, also.

8 Q. Okay. Any other items that you
can
9 recall at this time?

10 A. Well, there is also a window
adjoining
11 this window that was open, the one that was closed
right
12 here adjoining it. I processed it as similar to what
I
13 explained on this one, the frame, the trim, the
glass,
14 this one here, also.

15 Q. Okay. Well, let's just for a
moment,
16 you processed the cat carrier, or whatever this is,

next

17 to the window, right?

18 A. Yes, that's correct.

19 Q. The trash can here?

20 A. That's correct.

21 Q. The Dallas Cowboys can of some

sort

22 right here, also?

23 A. That's correct.

24 Q. And a freezer or refrigerator

inside

25 the garage?

Sandra M. Halsey, CSR, Official Court Reporter

2001

1 A. Yes.

2 Q. All right. Sir, were you able to
lift

3 any latent fingerprints from any of those objects
that

4 you tried to process inside of this garage?

5 A. I was not able to lift any from
those

6 objects.

7 Q. You just talked about another
window

8 that you processed out there. Let's go back, if we
can,

9 to State's Exhibit 13-A. Can you see the open window
10 that you processed?

11 A. Yes, that's it.

12 Q. Do we see any other windows in
State's

13 Exhibit 13-A that you processed for latent
fingerprints?

14 A. Yes, this one here.

15 Q. The one right next to the open
window?

16 A. The one right next to the open
window.

17 Q. Did you go through the very same
18 process that you went through in processing this open
19 window?

20 A. Yes.

21 Q. Did you do both sides of the
glass?

22 A. That's correct.

23 Q. Did you do both sides of the
frame?

24 A. Yes.

25 Q. And, did you get any latent

Sandra M. Halsey, CSR, Official Court Reporter

2002

1 fingerprints from this second window?

2 A. No, I did not.

3 Q. Okay. Let me ask you: In
addition to

4 printing the chairs on the outside, the two windows,
the

5 interior of the garage, the items that you found
inside

6 the garage, did you go to any other areas of the
house in

7 order to lift latent fingerprints?

8 A. Yes.

9 Q. Okay. What other parts of the
house

10 did you go to?

11 A. After I got through with the
garage

12 area, I sort of the back-tracked into the house
back to

13 the living room. First point was entryway door
between

14 the wash room and the garage. I processed that
door

15 inside and out. Inside and outside
surfaces of that

16 door.

17 Q. All right. Are we
talking about then

18 the door that leads into the garage from
the utility

19 room?

20 A. Yes.

21 Q. All right. And were
you able to lift

22 any latent fingerprints from that door?

23 A. Yes.

24 Q. Okay. Do you recall

how many latent

25 fingerprints you were able to lift from
that location?

Sandra M. Halsey, CSR, Official
Court Reporter

2003

1 A. Two latent prints.

2 Q. Okay.

3

4

5 (Whereupon, the

following

6 mentioned item was

7 marked for

8 identification only

9 after which time the

10 proceedings were

11 resumed on the record

12 in open court, as

13 follows:)

14

15 BY MR. GREG DAVIS:

16 Q. Sir, let me have you look,

please, at

17 State's Exhibit 85-F and 85-G. Do you recognize

those

18 two items, sir?

19 A. Yes, sir.

20 Q. Okay. Are those 85-F and G,

are those

21 the latent prints that you were able to lift from

the

22 entry, the rear entry door leading from the garage
into

23 the utility room?

24 A. That's correct.

25 Q. Again, do they contain the same
type

Sandra M. Halsey, CSR, Official Court
Reporter

2004

1 of information that the previous latent
fingerprint cards

2 have contained?

3 A. Yes.

4 Q. The location that you retrieved
them,

5 as well as on the back, the latent fingerprint and
the

6 tape itself?

7 A. Yes.

8 Q. All right.

9

10 MR. GREG DAVIS: Your Honor, at
this

11 time we will offer State's Exhibit 85-F and 85-G.

12 MR. RICHARD C. MOSTY: No
objection.

13 THE COURT: State's Exhibit 85-
F and G

14 are admitted.

15

16 (Whereupon, the items

17 heretofore mentioned

18 were received in evidence

19 As State's Exhibit No. 85-F &

G

20

For all purposes,

21

After which time, the

22

Proceedings were resumed

23

As follows:)

24

25

Reporter Sandra M. Halsey, CSR, Official Court

2005

1 BY MR. GREG DAVIS:

2 Q. Okay. Officer, if you would,
let's

3 look at State's Exhibit 85-F first. Can you tell
the

4 members of the jury where you retrieved that
latent

5 fingerprint from?

6 A. Yes. This latent was recovered
from

7 the inside of the door that this gentlemen mentioned,
the

8 door between the wash room and the garage, inside
surface

9 of the door, approximately four inches above the door
10 handle on this surface of the door itself.

11 Q. Okay. If we could, let's please
look

12 at State's Exhibit 85-G. Please tell us where you
13 recovered those or that one.

14 A. This latent was recovered about
two

15 inches above the other latent, also inside of the
door,

16 on the surface of the door, about 6 inches above the
door

17 handle. This was a dried, apparently bloody latent.

18 Q. Okay. So you have got 85-F, being
the

19 inside portion; is that correct?

20 A. Yes.

21 Q. Four inches above the door handle?

22 A. Yes.

23 Q. And 85-G is going to be, in blood,
six

24 inches above the door handle, right?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

2006

1 Q. Okay. Are those the only parts of
2 that door that you tried to process for latent
3 fingerprints?

4 A. I processed the inside and outside
of
5 the door.

6 Q. Okay. Well, what parts of the
outside
7 of the door did you try to process?

8 A. Well, I don't specifically
remember
9 every square inch, but I processed the door
thoroughly.

10 Q. Okay.

11 A. Specifically, around the handle,
the
12 handle itself, the handle area and the door itself.

13 Q. All right. Well, let's just
start

14 with the outside of the door. Were you able to lift
any

15 other latent fingerprints from the outside portion
of

16 that door, sir?

17 A. No, I was not.

18 Q. Okay. Let's turn to the inside
part
19 of the door, including the door handle itself. Were
you
20 able to lift any other latent fingerprints from the
21 inside part of that door?

22 A. Just those two.

23 Q. Okay. 85-F and G are the only
ones
24 which you were able to lift from the inside part of
the
25 door, right?

Sandra M. Halsey, CSR, Official Court Reporter

2007

1 A. That's correct.

2 Q. Okay. Let's stay in the utility
room.

3 Did you process any other items in the utility room
for

4 possible latent fingerprints?

5 A. Yes.

6 Q. Can you tell the members of the
jury

7 what other items in the utility room you tried to

8 process?

9 A. As I recall, there was a white
washer

10 and a dryer, side-by-side. I believe there was some

11 blood stains, not prints but stains. I felt that
maybe

12 someone had touched the washer and/or dryer. I
processed

13 those in an attempt to recover latent prints.

14 Q. Okay. Looking at State's Exhibit

15 38-A, for instance, do you recognize 38-A to be a

16 photograph of a portion of the utility room, for

17 instance?

18 A. Yes.

19 Q. Okay. And, was there a washer
and

20 dryer as we look into the garage, as we look in
the

21 utility room from the garage, would the
washer/dryer be

22 on the lefthand side?

23 A. I don't recall left from
right.

24 Q. Okay.

25 A. But I believe this is going to
be

Sandra M. Halsey, CSR, Official Court
Reporter

2008

1 them, I can see the powder.

2 Q. All right. Where do you see
the
3 powder?

4 A. Well, it's here, I can just
see some
5 of the powder.

6 Q. Okay.

7 A. I can see the blood. I was
8 remembering on these appliances.

9 Q. Okay. So, you processed the
door, did
10 you process both the washer and the dryer?

11 A. Yes.

12 Q. Okay. You told us about the
door, the
13 washer and the dryer. Any other items in the
utility

14 room that you tried to process for latent
fingerprints?

15 A. I don't recall any others.

16 Q. Okay. Let's go back to the
washer and

17 the dryer then. Were you able to lift any latent
18 fingerprints from the washer or the dryer in the
utility

19 room?

20 A. No.

21 Q. Okay. 85-F and G, the two

that you

22 lifted from the inside portion of the door, are

they the

23 only latent fingerprints that you retrieved from

the

24 utility room?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court
Reporter

2009

1 Q. What did do you after you
finished

2 processing the utility room for latent
fingerprints?

3 A. I came back and worked my way
through

4 the kitchen.

5 Q. Okay. Now, Officer Hamilton, do
you

6 recognize State's Exhibits 36-A through 36-G as
being

7 photographs of different portions of the kitchen out
8 there at 5801 Eagle Drive?

9 A. Yes.

10 Q. Okay. Do you recall what part of
the

11 kitchen that you started processing for latent
12 fingerprints?

13 A. I worked my way back from that
utility

14 room, which is going to be somewhere over here, back
this

15 way.

16 Q. Okay. If you would, just tell us
the

17 first area of that kitchen that you recall
processing for

18 latent fingerprints then.

19 A. Counter tops.

20 Q. Okay.

21 A. In the kitchen.

22 Q. Are we talking about counter tops

23 shown in State's Exhibit 36-E around 36-F then?

24 A. That's part of some of them.

25 Q. Okay. The ones between the
utility

1 room and the sink, for instance?

2 A. I did process those, yes.

3 Q. Okay. Is there also a counter
top

4 basically from the sink over to the end of this bar
over

5 here?

6 A. Yes.

7 Q. And would a part of those be
known as

8 State's Exhibit 36-A and 36-B?

9 A. Sorry about that.

10 Q. Okay.

11 A. I believe this is -- corresponds
with

12 here, but I'm not going to swear to it.

13 Q. All right. How about the island
that

14 was in the middle of the room? Did you also process
15 that?

16 A. I processed that also.

17 Q. All right. Let's start with part
of

18 the counter top between the refrigerator going up to
the

19 sink. Did you process that?

20 A. Yes. If I may step back just a
21 moment. I also processed this refrigerator surface.

22 Q. Is that going to be shown here in
23 State's Exhibit 36-F then?

24 A. Yes, that looks like it.

25 Q. Okay. Next to the utility room?

 Sandra M. Halsey, CSR, Official Court Reporter
2011

1 A. That's correct.

2 Q. Okay. What parts of the
refrigerator

3 did you process?

4 A. The outside surface of the door.

5 Q. Okay.

6 A. I distinctly remember processing
that.

7 Q. Okay. Were you able to lift any
8 latent fingerprints from the outside portion of the
9 refrigerator?

10 A. No.

11 Q. All right. After the
refrigerator,

12 where did you go?

13 A. I worked this -- the counter
tops.

14 Q. Okay. Again, that it's shown in
36-E

15 and F, right?

16 A. Yes.

17 Q. Okay. Let me just ask you were
you

18 able to lift any latent fingerprints from the
counter top

19 between the refrigerator and the sink?

20 A. No, I was not able to recover
any.

21 Q. Let's go to the part of the
counter

22 top between the sink running to the end of that --
what I

23 call the kitchen bar. Do you know what area I'm
24 referring to?

25 A. Um-hum. (Witness nodding head

1 affirmatively.).

2 Q. If you will, just show on the
diagram

3 what you understand that to be?

4 A. Is this what you are referring
to?

5 Q. Yes, sir.

6 A. Yes, I did process that, also.

7 Q. Okay. Were you able to lift any
8 latent fingerprints from that part of the counter
top?

9 A. No.

10 Q. How about the counter top that
extends

11 from that down towards what is shown as the green
rug

12 there?

13 A. This here, sir?

14 Q. Yes.

15 A. Yes.

16 Q. Okay. Did you process that,
also?

17 A. I did.

18 Q. Were you able to lift any latent
19 fingerprints from that part of the counter top?

20 A. No.

21 Q. Okay. The island that we see, a
part
22 of the island here in State's Exhibit 36-E, do you
23 recognize that?

24 A. Yes.

25 Q. Is that the same type of counter
top

Sandra M. Halsey, CSR, Official Court Reporter

2013

1 surface as found on the counter tops?

2 A. I don't recall if it's the exact
same

3 surface.

4 Q. Did you process it for latent
5 fingerprints?

6 A. Yes.

7 Q. Were you able to lift any latent
8 fingerprints from that part, the island portion here
in

9 the middle of kitchen?

10 A. No, I was not able to.

11 Q. Okay. Let's go back to the
counter

12 top area. Do you see some drawers that are shown, I
13 guess at least one drawer that is shown here in
State's

14 Exhibit 36-E. Do you see that?

15 A. Yes, I see that.

16 Q. Did you process the drawers in
this

17 kitchen for possible latent fingerprints?

18 A. I did process the drawers.

19 Q. Okay.

20 A. The outside surfaces and around

the

21 handles.

22 Q. All right. Were you able to lift
any

23 latent fingerprints from any of the drawers in the

24 kitchen?

25 A. No.

Sandra M. Halsey, CSR, Official Court Reporter

2014

1 Q. Okay. In addition to the
2 refrigerator, the counter tops, the island, and the
3 drawers in the kitchen did you process any other
items in
4 that room for latent fingerprints?

5 A. Yes.

6 Q. Okay. Tell us what you also
processed
7 then.

8 A. I remember processing a wine glass
9 that was broken and on the living room (sic)
floor. I
10 don't recall the specific location of where that
wine
11 glass was, but it was on the kitchen floor, is
what I
12 meant to say.

13 Q. Let me ask you to take a look
at
14 State's Exhibit 36-D. If you want to just step over
and
15 take a look at that.

16 A. Yes, yes, I see.

17 Q. Okay. Looking at State's Exhibit
18 36-D, do you see anything in that photograph that

you

19 processed for latent fingerprints?

20 A. Yes, the broken wine glass that I

was

21 referring to that I processed. This base was in one

22 piece. Part of the stem and part of the glass were

in

23 one piece, big enough where I thought I could process

it.

24 So I processed this piece and this

25 piece. There is also some little smaller shards that

I

Sandra M. Halsey, CSR, Official Court Reporter

2015

1 felt I would not be able to recover. I did not
process

2 the small shards of glass.

3 Q. Okay. And again, why didn't you
do

4 the real small pieces of glass?

5 A. I didn't think there would be
enough

6 on there if anything was recovered to be of any use.

7 Q. Not enough latent?

8 A. And some pieces were literally too
9 small to work with.

10 Q. Okay. So you processed the ones
here

11 large enough to hold a latent fingerprint?

12 A. Yes.

13 Q. Okay. Well, let's look at the
glass

14 then on the floor that you processed. Were you able
to

15 lift any latent fingerprints from any of the glass
pieces

16 that you processed here on the kitchen floor?

17 A. No.

18 Q. No?

19 A. No. I was not able to recover

20 anything from those.

21 Q. Okay. Anything else here in
State's

22 Exhibit 36-D that you processed for possible latent
23 fingerprints?

24 A. I don't recall.

25 Q. Okay. Do you recall right now, do
you

Sandra M. Halsey, CSR, Official Court Reporter

2016

1 recall any other items in the kitchen that you
processed

2 for latent fingerprints?

3 A. Not that I recall.

4 Q. Okay. All right. So, let me just
ask

5 you, were you able to recover any latent fingerprints
6 from the kitchen area where you processed?

7 A. No, I was not.

8 Q. Okay.

9

10 THE COURT: Mr. Davis, I think
we'll

11 break now for lunch until 1:10. Please be back at 10
12 after 1, we will start on time. Don't discuss the
case

13 among yourselves, you have the same instructions as
14 always. Thank you.

15

16 (Whereupon, a short

17 Recess was

taken,

18 After which

time,

19 The proceedings

were

20 Resumed on the
record,

21 In the presence
and

22 Hearing of the
defendant

23 And the jury, as
follows:)

24
25 THE COURT: All right. Are both
sides

Sandra M. Halsey, CSR, Official Court Reporter

2017

1 ready to bring the jury back and resume the case?

2 MR. GREG DAVIS: Yes, sir, the

State

3 is ready.

4 Let's have this marked.

5

6

7 (Whereupon, the following

8 mentioned item was

9 marked for

10 identification only

11 after which time the

12 proceedings were

13 resumed on the record

14 in open court, as

15 follows:)

16

17 MR. DOUGLAS MULDER: Yes, sir, the

18 defense is ready.

19 THE COURT: All right. Bring the

jury

20 in please.

21

22 (Whereupon, the jury

23 Was returned to

the

24

Courtroom, and

the

25

Proceedings

were

Sandra M. Halsey, CSR, Official
Court Reporter

2018

1 Resumed on the
record,

2 In open court, in
the

3 Presence and
hearing

4 Of the defendant,

5 As follows:)

6

7 THE COURT: All right. Back on
the

8 record. Let the record reflect that all parties in
the

9 trial are present and the jury has been seated.

10

11 DIRECT EXAMINATION (Resumed)

12

13 BY MR. GREG DAVIS:

14 Q. Just for the record, your name
is

15 Charles Hamilton; is that correct? The same
Charles

16 Hamilton who was testifying before we took the
break?

17 A. Yes.

18 Q. Before we went to lunch, you

told us

19 about what you processed before in the kitchen.

You were

20 not able to recover any latent fingerprints from
the

21 kitchen area; is that correct?

22 A. That's correct.

23 Q. Sir, let me ask you to look at
State's

24 Exhibit 89-A, and tell me if you recognize that,
sir?

25 A. Yes, I do recognize it.

1 Q. Does it truly and accurately
depict
2 the sliding glass door at 5801 Eagle Drive, on June
6,
3 1996?

4 A. Yes.

5
6 MR. GREG DAVIS: Your Honor, we
will
7 offer State's Exhibit 89-A.

8 MR. RICHARD C. MOSTY: No
objection,
9 your Honor.

10 THE COURT: State's Exhibit
Number
11 89-A is admitted.

12
13 (Whereupon, the item
14 Heretofore mentioned
15 Was received in evidence
16 As State's Exhibit No. 89-A
17 For all purposes,
18 After which time, the
19 Proceedings were resumed
20 As follows:)

21

22 BY MR. GREG DAVIS:

23 Q. Officer Hamilton, when you were
out

24 there on June 6th, did you process this that's
shown as

25 State's Exhibit 89-A for latent fingerprints, sir?

Sandra M. Halsey, CSR, Official Court Reporter
2020

1 A. I did.

2 Q. Did you process both the inside
and

3 outside portion of that door?

4 A. I did.

5 Q. All right. Let's talk for a
moment

6 first about the inside portion of the sliding glass
door.

7 Did you check the glass surface itself for latent
8 fingerprints?

9 A. Yes.

10 Q. Okay. Were you able to recover
any

11 latent fingerprints from the inside portion of the
glass?

12 A. No.

13 Q. Okay. Let me ask you about the
inside

14 frame of the sliding glass door did you check that
for

15 latent fingerprints also?

16 A. I remember processing the frame
around

17 the handle specifically. I don't recall every
square

18 inch of the frame.

19 Q. Okay. So, you did -- you are
sure you

20 did the inside part around the door handle; is that
21 correct?

22 A. That's correct.

23 Q. Did you get any latent
fingerprints

24 from that part of the door, sir?

25 A. From the inside, no.

1 Q. All right. Did you then go
outside

2 and start processing the outside portion of the
sliding

3 glass door?

4 A. I did.

5 Q. Okay. Let's first talk about
the

6 glass surface itself. Were you able to recover any
7 latent fingerprints from the glass surface of the
sliding

8 glass door?

9 A. I was not.

10 Q. Okay. Let's talk about the frame,
the

11 outside portion of the frame of the sliding glass
door.

12 Were you able to recover any latent fingerprints from
13 that?

14 A.

Yes.

15 Q.

Okay.

16

17 (Whereupon, the
following

18 mentioned item was
19 marked for
20 identification only
21 after which time the
22 proceedings were
23 resumed on the record
24 in open court, as
25 follows:)

Sandra M. Halsey, CSR, Official Court Reporter

2022

1 BY MR. GREG DAVIS:

2 Q. Would you please look at State's
3 Exhibit 85-H. Do you recognize that, sir?

4 A. I do.

5 Q. Is that the latent card that
6 corresponds to a latent print that you recovered from
the
7 sliding glass door?

8 A. It is.

9 Q. Again, it has your name, as well
as
10 the location where you recovered this latent print;
is
11 that right?

12 A. It does.

13

14 MR. GREG DAVIS: At this time we
will

15 offer State's Exhibit 85-H.

16 MR. RICHARD C. MOSTY: No
objection.

17 THE COURT: State's Exhibit 85-H
is
18 admitted.

19

20 (Whereupon, the item
21 Heretofore mentioned
22 Was received in evidence
23 As State's Exhibit No. 85-H
24 For all purposes,
25 After which time, the

Sandra M. Halsey, CSR, Official Court Reporter

2023

1 Proceedings were resumed

2 As follows:)

3

4 BY MR. GREG DAVIS:

5 Q. Officer, if you would please step
down

6 so that we can point out to the jury where on this
7 sliding glass door that you recovered this latent
print.

8 A. Okay.

9 Q. If you will step back so that all
the
10 jurors can see you here.

11

12 (Whereupon, the witness

13 Stepped down from

the

14 Witness stand, and

15 Approached the jury

rail

16 And the proceedings

were

17 Resumed as follows:)

18

19 BY MR. GREG DAVIS:

20 Q. Okay. Go ahead.

21 A. I

recovered that latent
print

22 approximately one
inch above this door
handle fitting on

23 the metal frame
approximately where my
pen is pointing.

24 This is the outside
of the door, that is

about one inch
25 in front of the
handle area.

Sandra M.
Halsey, CSR, Official
Court Reporter

2024

1 Q.

Okay.

2 A.

Okay.

3 Q. Go back.

4

5 (Whereupon, the witness

6 Resumed the witness

7 Stand, and the

8 Proceedings were resumed

9 On the record, in open

10 Court, as follows:)

11

12 BY MR. GREG DAVIS:

13 Q. You have now talked to

us about the

14 latent print contained in 85-H. Were you

able to recover

15 any other latent fingerprints or palm

prints from the

16 sliding glass door? And I'm talking about

inside or

17 outside, glass or metal surface?

18 A. No.

19 Q. Okay. The utility room,

kitchen, let

20 me ask you whether or not you attempted to
obtain latent

21 fingerprints from the family room, which is
adjacent to

22 the kitchen?

23 A. I did.

24 Q. Okay. Do you recall the
areas in that
25 family room where you attempted to recover
possible

Sandra M. Halsey, CSR, Official Court
Reporter

2025

1 latent fingerprints? Were there several
areas?

2 A. I do recall.

3 Q. Okay.

4

5

6 (Whereupon, the
following

7 mentioned item was
8 marked for
9 identification only
10 after which time the
11 proceedings were
12 resumed on the record
13 in open court, as
14 follows:)

15

16

17 BY MR. GREG DAVIS:

18 Q. Sir, if you will, please look at
the

19 photographs, State's Exhibit 89-B. Do you
recognize that

20 to truly and accurately depict a portion of the
family

21 room there at 5801 Eagle Drive?

22

A. Yes.

23

Q. Okay.

24

25

this

MR. GREG DAVIS: Your Honor, at

Sandra M. Halsey, CSR, Official Court Reporter

2026

1 time we will offer State's Exhibit 89-B.

2 MR. RICHARD C. MOSTY: No
objection.

3 THE COURT: State's Exhibit
Number

4 89-B is admitted.

5

6

(Whereupon, the item

7

Heretofore mentioned

8

Was received in evidence

9

As State's Exhibit No. 89-B

10

For all purposes,

11

After which time, the

12

Proceedings were resumed

13

As follows:)

14

15 BY MR. GREG DAVIS:

16

Q. Sir, State's Exhibit 89-B, what

does

17

that show us?

18

A. A glass-topped coffee table, you

might

19

call it.

20

Q. All right. And in this family

room,

21 do you recall where that is located?

22 A. I believe that is the table on
the

23 north end of the family room in between the couch
and the

24 kitchen counter top.

25 Q. Okay. Were you able to obtain
any

Sandra M. Halsey, CSR, Official Court Reporter

2027

1 latent fingerprints or palm prints from the table
shown

2 in State's Exhibit 89-B?

3 A. Yes.

4 Q. Okay. With the Court's
permission,

5 could you please step down and again, show us where
you

6 were able to obtain these latent prints?

7 A. Okay.

8 Q. Again, if you will step back so
9 everybody can see.

10 A. Okay. Yes, it was along the
north

11 edge of the table. I believe here you can barely
picture

12 it, but if you look close, there is a dried, bloody
13 latent print.

14 Q. Okay. Am I now pointing at the
place

15 on the photograph that you were pointing to?

16 A. I believe that is it, in a smaller
17 picture --

18 Q. Okay. Just on the edge of the
table

19 there?

20 A. Yes.

21 Q. Okay. In the photograph can you
22 actually see the dried blood that you're talking
about?

23 A. I see what I believe to be the
dried

24 blood, yes.

25 Q. All right. So it was on the edge
of

Sandra M. Halsey, CSR, Official Court Reporter

1 this coffee table. When you were out there that day,
2 could you actually see what appeared to be dried
blood?

3 A. Yes, you could even see the
impression

4 of the latent. You could see the friction ridges of
the
5 dried blood.

6 Q. Was the latent then itself
actually in

7 the blood or in the dried blood area?

8 A. That's correct.

9 Q. Okay.

10

11 (Whereupon, the following
12 mentioned items were
13 marked for
14 identification only
15 after which time the
16 proceedings were
17 resumed on the record
18 in open court, as
19 follows:)

20

21 BY MR. GREG DAVIS:

22 Q. Officer Hamilton, let me show

you

23 what's been marked as State's Exhibit 85-I and
85-J.

24 Tell me whether or not these are, in fact, the two
latent

25 prints that you recovered from the table shown in
State's

Sandra M. Halsey, CSR, Official Court Reporter

2029

1 Exhibit 89-B?

2 A. These are two lifts from the same
3 single, bloody latent print, correct.

4 Q. Are these duplicates then of the
same
5 print?

6 A. That's correct.

7 Q. Again, they contain your name as
well

8 as the location of where you recovered the latents;
is
9 that right?

10 A. They do.

11

12 MR. GREG DAVIS: Your Honor, at
this

13 time we will offer State's Exhibit 85-I and 85-J.

14 MR. RICHARD C. MOSTY: No
objection.

15 THE COURT: State's Exhibit 85-I
and J

16 are admitted.

17

18 (Whereupon, the items
19 Heretofore mentioned.

20 Were received in

evidence

21 As State's Exhibit

22 Nos. 85-I and

85-J,

23 For all

purposes,

24 After which time, the

25 Proceedings were

Sandra M. Halsey, CSR, Official Court Reporter

2030

1 Resumed,

2 As follows:)

3

4 BY MR. GREG DAVIS:

5 Q. Officer Hamilton, you just told us
6 about the two latents that you lifted off of the
table in

7 the family room. Were you able to obtain any other
8 latent prints in the family room?

9 A. No.

10 Q. Were there other areas in the
family

11 room that you processed for possible latent prints?

12 A. Besides that glass table?

13 Q. Yes, sir.

14 A. Yes, there was.

15 Q. All right, sir. Can you tell us
the

16 places that you recall processing for latent prints?

17 A. I recall processing a large,
square,

18 glass-top table in the center of the family room. I
19 recall processing, I guess you call it a flower vase,
on

20 that table.

21 Q. Okay.

22 A. I recall processing that counter
top

23 island in between the family room and the kitchen.

24 Q. Okay.

25 A. That's all I remember processing

Sandra M. Halsey, CSR, Official Court Reporter

2031

1 offhand was the surfaces in the family room.

2 Q. Okay. Officer, if you wouldn't
mind

3 stepping down again. And let's look at a photograph
that

4 shows the family room that you processed. And,
again, if

5 you will just -- let me give you this pointer again -
-

6 and using the pointer again. Looking at State's
Exhibit

7 11-B, do you recognize that to be a photograph of a
8 portion of the family room?

9 A. Yes.

10 Q. Could you just use the pointer and
11 just direct the jurors' attention to the areas where
you

12 attempted to lift latent fingerprints or palm prints?

13 A. Well, as the photograph showed
14 earlier, here is that small, glass-top
table, we

15 processed it. I recall processing this
larger

16 square-topped glass table. Also this flower vase
which

17 is askew.

18 Q. Okay.

19 A. The counter island, the
counter

20 between the kitchen and the family room goes off
here, I

21 processed that.

22 Q. Okay. Off this counter area,
were you

23 able to lift any latent fingerprints or palm
prints?

24 A. No.

25 Q. You pointed to a large table
here.

Sandra M. Halsey, CSR, Official Court
Reporter

2032

1 Were you able to lift any latent prints off of
that

2 table, sir?

3 A. No.

4 Q. The vase that is on that
table, were

5 you able to lift any latent fingerprints from it?

6 A. I was not.

7 Q. Do you recall at this time any
other

8 areas or items there in the family room that you

9 processed for latent --

10 A. I don't recall any other
items.

11 Q. Okay. Again, the two off of
the table

12 on the north end of the room, those are the only
two

13 latents that you lifted in the family room?

14 A. Yes.

15 Q. Officer Hamilton, do you
remember any

16 other areas, either inside or outside the house,
that you

17 processed for latent prints on June 6th, 1996?

18 A. Yes.

19 Q. Okay. What other areas?

20 A. The front entry door inside
and out of
21 the door.

22 Q. Okay. So the front door to
the house,
23 correct?

24 A. Yes.

25 Q. Both inside and out?

Sandra M. Halsey, CSR, Official Court
Reporter

2033

1 A. Yes.

2 Q. Were you able to lift any
latent

3 prints off of either the inside or the outside of
the

4 front door of that residence?

5 A. I was not.

6 Q. Any other areas that you
recall?

7 A. I don't recall any other
specific

8 areas or items that I processed on that day.

9 Q. Okay. Do you have an estimate of
the

10 amount of time that you spent out there that morning
11 attempting to lift latent prints? And I'm talking
about

12 the front door, the family room, the kitchen, the
utility

13 room, the garage and the items outside of the garage,

14 just a best estimate of the amount of time that you
spent

15 out there trying to lift those prints?

16 A. Five hours, no less than that.

17 Q. All right. When you actually

finished

18 your lifting process, what did you do with the latent
19 cards that you have identified here in court?

20 Did you do any sort of comparison
or

21 analysis yourself?

22 A. I did no comparison or analysis.

23 Q. Okay. Are you trained in
fingerprint

24 comparison or identification?

25 A. Briefly.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. You didn't do that though that
day,
2 right?

3 A. No, that is not one of my duties.

4 Q. Okay. And did you then place
those
5 into evidence so someone else could do any
comparisons or
6 analysis that needed to be made?

7 A. I turned them into evidence.

8 Q. All right.

9
10 (Whereupon, the following
11 mentioned item was
12 marked for
13 identification only
14 after which time the
15 proceedings were
16 resumed on the record
17 in open court, as
18 follows:)

19

20 BY MR. GREG DAVIS:

21 Q. Officer, if you would, please
step

22 down here, and just look at what has been marked

as

23 State's Exhibit 42-B.

24 A. Okay.

25 Q. Okay. Let me ask you, sir, does
this

Sandra M. Halsey, CSR, Official Court Reporter

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1 appear to be the window that you processed for
latents

2 out there on June 6, 1996? More specifically, does
this

3 appear to be the window where the screen was cut in
the

4 garage at 5801 Eagle Drive?

5 A. Yes.

6 Q. And this -- you see some black
powdery

7 material there towards the bottom of the window?

8 A. Yes.

9 Q. Okay. Is that fingerprint powder
that

10 you used to process this window for latent prints?

11 A. That would be it.

12 Q. Okay.

13

14 MR. GREG DAVIS: Your Honor, at
this

15 time we will offer State's Exhibit 42-B.

16 MR. RICHARD C. MOSTY: No
objection.

17 THE COURT: State's Exhibit 42-B
is

18 admitted.

19

20 (Whereupon, the

item

21 Heretofore

mentioned

22 Was received in evidence

23 As State's Exhibit No. 42-B

24 For all purposes,

25 After which time, the

Sandra M. Halsey, CSR, Official Court Reporter

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1 Proceedings were resumed

2 As follows:)

3

4 BY MR. GREG DAVIS:

5 Q. Now, the side of the window that
is

6 facing the jurors, is that the inside part of the
window?

7 A. That's correct.

8 Q. Okay. And again, this black
material

9 that is on the bottom of the bottom ridge here of the
10 window frame, what is that?

11 A. That's black fingerprint powder.

12 Q. Okay. And if you will now,
looking at

13 State's Exhibit 42-B, can you show the jurors on this
14 exhibit where you were able to lift the latents that
we

15 have in evidence as 85-A, B, C, D and E?

16 A. Yes.

17 Q. Okay. Would you do that right
now?

18 A. Yes. Latent impressions were
19 recovered on this bottom frame here where my pen is
20 pointing, approximately starting here, that's an

21 approximation, 5 and the other, last was 11 inches,
5 to

22 11 inches from this corner, approximately in this
area

23 here.

24 Q. All right. And those were the
only

25 latents lifted off of the window, right?

Sandra M. Halsey, CSR, Official Court Reporter

2037

1 A. Yes.

2 Q. Thank you.

3

4 (Whereupon, the witness
5 Resumed the witness
6 Stand, and the
7 Proceedings were resumed
8 On the record, as
9 Follows:)

10

11 BY MR. GREG DAVIS:

12 Q. Officer Hamilton, on June the
13 6th,

14 1996, in addition to the five hours of trying to
15 lift the

16 prints, did you do anything else there at the house
17 that

18 you recall at this time?

19 A. Yes.

20 Q. Okay. What else did you do?

21 A. I assisted another officer in
22 taking

23 some measurements so he could generate a sketch at
24 a

25 later time.

26 Q. Okay. That other officer, is

that Ray

22 Clark?

23 A. Yes, it was.

24 Q. Was there ever a time out that

at 5801

25 Eagle that were you asked to take some photographs?

Sandra M. Halsey, CSR, Official Court Reporter

2038

1 A. Yes.

2 Q. Okay. And, what photographs did
you

3 take that day?

4 A. Well, I recall taking
photographs of

5 the bloody, latent print on the glass-top table in
the

6 family area, before I lifted it in hopes that we
would

7 have two types of documentation.

8 Q. Right. How did that turn out?

9 A. I don't know. I remember they
didn't

10 come out real good, I didn't think. They were a
little

11 blurry.

12 Q. Okay.

13 A. They weren't real good quality,
and it

14 wasn't an inappropriate camera for photographing
15 fingerprints from.

16 Q. Okay. What else did you
photograph?

17 A. I photographed the kitchen sink.

18 Q. Okay. Was that done at the

request of

19 someone?

20 A. Yes.

21 Q. Do you recall an individual
named

22 Kathryn Long?

23 A. Yes, I do.

24 Q. Okay. Did she request that you
25 photograph the sink?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. She did.

2 Q. And you did that?

3 A. At her request, yes.

4 Q. Okay. Have we discussed pretty
much

5 what you did out there then on June 6th, 1996?

6 A. We have.

7 Q. All right. Now, let me move you
8 forward a day to June 7. Did you have occasion to
go

9 back out there to Eagle on that day?

10 A. I did.

11 Q. And on that day, were you
instructed

12 to do something?

13 A. I was.

14 Q. And what were you instructed to
do on

15 June 7th?

16 A. Collect some blood samples from
17 specific areas.

18 Q. Okay. Were those areas pointed
out to

19 you by your supervisor or someone else?

20 A. They were pointed out to me by
my

21 supervisor.

22 Q. Officer Hamilton, looking at
State's

23 Exhibit 122, let me direct your attention to the
circles,

24 there are some circles with RH; is that correct?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay. Here in the family room,
and
2 let's see, we have the family room, family room,
family
3 room here, here, as well as in the kitchen, and the
4 kitchen; is that correct, sir?

5 A. Yes.

6 Q. Okay. Does this board then, do
those
7 circles accurately reflect where you went to recover
8 blood samples from, in the residence on June 7th,
1996,
9 sir?

10 A. That is a close approximation,
yes.

11 Q. Okay. Did you actually make a
sketch
12 for yourself about where you recovered these?

13 A. I did.

14 Q. All right. And that's got the
exact
15 measurements, I suppose?

16 A. On the sketch, no, I have got the
17 exact measurements on my report. The sketch is kind
of

18 like that, again, a general diagram to indicate
19 approximate place.

20 Q. Okay.

21 A. I don't make scale drawings
myself.

22 Q. All right. Do you recall where
you

23 went to obtain those blood samples that day?

24 A. I recall the two rooms they were
made
25 in.

1 Q. Okay. What rooms were they?

2 A. The kitchen and the family room.

3 Q. Let's see; a seven -- seven
samples,

4 or do you recall?

5 A. I would have to look at my report
to

6 be certain.

7 Q. Okay. You went out there on the
7th,

8 you recovered the blood samples from those two
rooms.

9 Did you do anything else out there on the 7th that
you

10 recall?

11 A. Not that I recall.

12 Q. Okay. The blood samples that you
13 took, did you place those into evidence so they
could be

14 sent on for further analysis?

15 A. I placed them into evidence.

16 Q. Now on the 8th, on June 8th, did
you

17 go back out to the house to recover additional blood
18 samples?

19 A. Yes.

20 Q. And do you recall where you
retrieved

21 those from on the 8th?

22 A. Yes.

23 Q. Okay. Where was that?

24 A. On the hand railing, on the
banister

25 on the stairwell inside the home.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay. Again, were you directed to
go
2 to those areas, or did you just choose those areas on
3 your own?

4 A. No. I was directed by my
supervisor
5 to collect samples.

6 Q. All right. Again, did you place
those
7 into evidence for analysis later?

8 A. I placed them into evidence.

9 Q. All right. Now let me direct
10 attention forward to June the 10th, 1996. Again, did
you
11 have occasion to go out there to the residence?

12 A. Yes.

13 Q. And on that date, did you actually
14 recover certain items of property and place them into
the
15 police property room?

16 A. I did.

17 Q. Okay.

18

19 (Whereupon, the
following

20 mentioned item was

21 marked for
22 identification only
23 after which time
the
24 proceedings were
25 resumed on the
record

Sandra M. Halsey, CSR, Official
Court Reporter

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1 in open court,
as

2 follows:)

3

4 BY MR. GREG DAVIS:

5 Q. Officer Hamilton,
if you would, please

6 look at State's Exhibit 86. Do you
recognize that, sir?

7 A. Yes.

8 Q. Okay. Is this a
rug that you

9 recovered from the kitchen there at
Eagle Drive on June
10 10th, 1996, sir?

11 A. It's a throw rug
from the kitchen

12 floor in front of the sink area.

13 Q. Okay. Let me
just ask you for record

14 purposes. Do you see certain holes
in the rug today?

15 A. I didn't note any
holes when I put it

16 into evidence.

17 Q. Okay.

18

19

MR. GREG DAVIS:

Your Honor, we will

20 offer State's Exhibit 86.

21

MR. RICHARD C.

MOSTY: No objection.

22

THE COURT:

State's Exhibit 86 is

23 admitted.

24

25

Sandra M. Halsey, CSR, Official
Court Reporter

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1 (Whereupon, the
item

2 Heretofore
mentioned

3 Was received in
evidence

4 As State's Exhibit
No. 86

5 For all purposes,
6 After which time, the
7 Proceedings were
resumed

8 As follows:)

9

10 BY MR. GREG DAVIS:

11 Q. Were you directed to recover
State's

12 Exhibit No. 86?

13 A. Yes.

14 Q. Okay.

15

16

17 (Whereupon, the
following

18 mentioned item was

19 marked for

20 identification only
21 after which time the
22 proceedings were
23 resumed on the record
24 in open court, as
25 follows:)

Sandra M. Halsey, CSR, Official Court Reporter

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1

2 BY MR. GREG DAVIS:

3 Q. Mr. Hamilton, looking now at
State's

4 Exhibit 87, do you recognize that item, sir?

5 A. Yes, I do.

6 Q. Okay. Is this also an item that
you

7 recovered from 5801 Eagle Drive on June 10, 1996?

8 A. Yes.

9 Q. Okay. Do you recall what room
that

10 you recovered this item in, sir?

11 A. Family room.

12 Q. Okay.

13

14 MR. GREG DAVIS: Your Honor, at
this

15 time we will offer State's Exhibit 87.

16 MR. RICHARD C. MOSTY: No
objection.

17 THE COURT: State's Exhibit 87
is

18 admitted.

19

20 (Whereupon, the item

21 Heretofore mentioned

22 Was received in

evidence

23 As State's Exhibit No.

87,

24 For all purposes,

25 After which

time,

Sandra M. Halsey, CSR,
Official Court Reporter

1 The proceedings
were

2 Resumed as
follows:)

3

4 BY MR. GREG DAVIS:

5 Q. Where in the family room did you
6 recover State's Exhibit 87?

7 A. Sort of in the center of the
room on
8 the floor, approximately -- I would have to look at
my
9 report to be exact, but about two feet south of the
edge
10 of a large glass-top table.

11 Q. Okay. Again, were you directed
to
12 take that particular item of property into your
13 possession?

14 A. I was.

15 Q. Now, I want to direct your
attention

16 forward, sir, to November 26, 1996. Again, did go
to
17 5801 Eagle Drive?

18 A. I did.

19 Q. And at that time, did you
attempt to

20 lift latent fingerprints or palm prints from
the bathroom

21 upstairs near the boys' bedroom?

22 A. I was directed to do so,
yes.

23 Q. Okay. Who asked you to do
that?

24 A. You did.

25 Q. Was I also present out there
at the

Sandra M. Halsey, CSR, Official Court
Reporter

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1 residence?

2 A. You were.

3 Q. Were you able to lift any
latent

4 fingerprints from that area, sir?

5 A. I was.

6 Q. Okay.

7

8 (Whereupon, the
following

9 mentioned items were
10 marked for
11 identification only
12 after which time the
13 proceedings were
14 resumed on the record
15 in open court, as
16 follows:)

17

18 BY MR. GREG DAVIS:

19 Q. Sir, let me show you, cards
marked

20 88-A. These are State's Exhibits 88-A, B, C, D,
E, F,

21 and ask you whether or not these are the six latents
that

22 you recovered from the boys' bathroom area on
November

23 26th, 1996?

24 A. Yes, those are them.

25 Q. Okay. And again, do they contain
your

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1 name, 5801 Eagle Drive, as well as the location where
you

2 actually recovered these latents?

3 A. They do.

4

5 MR. GREG DAVIS: Your Honor, at
this

6 time we will offer State's Exhibit 88-A through 88-F,
7 inclusive.

8 MR. RICHARD C. MOSTY: No
objection.

9 THE COURT: State's Exhibit 88-
A, B,

10 C, D, E and F are admitted.

11 MR. GREG DAVIS: Okay.

12

13 (Whereupon, the items
14 Heretofore mentioned
15 Were received in evidence
16 As State's Exhibit Nos.
88-A,

17 B,C,D,E,F, for all
purposes,

18 After which time, the
19 Proceedings were resumed
20 As follows:)

21

22 BY MR. GREG DAVIS:

23 Q. Okay. Officer Hamilton, do you
see

24 the photograph that I'm showing you is State's

Exhibit

25 17-A? Do you see that, sir?

Sandra M. Halsey, CSR, Official Court Reporter
2049

1 A. Yes.

2 Q. Okay. Does that show the
bathroom

3 area where you attempted to recover latent
fingerprints

4 on November 26th, 1996?

5 A. Yes.

6 Q. Am I pointing at that bathroom?

7 A. I believe so, yes.

8 Q. Okay. You got six latents,
generally

9 in the bathroom. Where were you able to recover the
10 latent prints?

11 A. I would have to look at my
reports to

12 recall specific locations.

13 Q. Again, that is on November 26,
'96,

14 right?

15 A. Yes.

16 Q. Again, the prints that you
recovered

17 on November 26, did you place those into evidence?

18 A. Yes.

19 Q. Okay. Did you do anything else
with

20 them besides that?

21 A. No.

22 Q. Let me just ask you, Officer
Hamilton,

23 you have talked to me about this case prior to
today,

24 haven't you?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Have you had a chance to talk
with me

2 in Dallas about the case?

3 A. Yes.

4 Q. Several times?

5 A. That's correct.

6 Q. Did you also have a chance to
talk

7 with me while we have been here in Kerrville about
the

8 case?

9 A. Yes.

10 Q. In this case, at certain points,
did

11 you make notes about what you were doing out there
at

12 5801 Eagle Drive?

13 A. Yes, I did.

14 Q. And did you also make certain
written

15 reports about what you had done out there at Eagle
Drive?

16 A. I did.

17 Q. Okay. Officer Hamilton, let me
show

18 you what I am going to mark for identification

purposes

19 as State's Exhibit 89-D.

20

21 (Whereupon, the following

22 mentioned item was

23 marked for

24 identification only

25 after which time the

Reporter Sandra M. Halsey, CSR, Official Court

2051

1 proceedings were
2 resumed on the record
3 in open court, as
4 follows:)

5

6

7 BY MR. GREG DAVIS:

8 Q. Now, let me ask you to look
through

9 these pieces of paper and tell me whether they
are, in

10 fact, copies of the notes that you made in this
case, as

11 well as copies of the reports that you prepared?

12

13 MS. SHERRI WALLACE: Excuse me,
Mr.

14 Davis, there already is an 89-B.

15 MR. GREG DAVIS: 89-D.

16 MS. SHERRI WALLACE:

Oh.

17 THE WITNESS: Yes,
these are mine.

18 MR. GREG DAVIS:

Your Honor, we will

19 tender the notes and reports 89-D to

counsel. And we

20 will pass the witness.

21 THE COURT: Well,

Mr. Mosty?

22 MR. RICHARD C.

MOSTY: May I have a

23 few moments to review these reports?

24 THE COURT: You may.

All right. A

25 brief break, 5 minute break. All
right. Make it a 10

Sandra M. Halsey, CSR, Official
Court Reporter

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1 minute break.

2

3

(Whereupon, a short

4

recess was taken,

after

5

which time, the

6

proceedings were

7

resumed in open

court,

8

in the presence

and

9

hearing of the

10

Defendant,

being

11

represented by

his

12

Attorney, but

outside of

13

the presence of the

jury

14

as follows:)

15

16

THE COURT: All right. Bring the

jury

17 back in. Is everybody ready to bring the jury back?

18 MR. GREG DAVIS: Yes, sir, we are
19 ready.

20 MR. DOUGLAS MULDER: Yes, sir, we
are
21 ready.

22 THE COURT: All right. Are you
all
23 right, Officer?

24 THE WITNESS: Yes, sir.

25 THE COURT: All
right.

Sandra M. Halsey, CSR,
Official Court Reporter

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1
2 (Whereupon, the
jury
3 Was returned to
the
4 Courtroom, and
the
5 Proceedings
were
6 Resumed on the
record,
7 In open court, in
the
8 Presence and
hearing
9 Of the defendant,
10 As follows:)
11
12 THE COURT: Let the record
reflect
13 that all parties in the trial are present and the
jury is
14 seated.
15 Mr. Mosty.
16
17

18

CROSS EXAMINATION

19

20 BY MR. RICHARD MOSTY:

21

Q. Officer Hamilton, what time did

you

22

tell us that you got to the scene?

23

A. On June 6th?

24

Q. Yes, sir.

25

A. Approximately 9:00 a.m.

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1 Q. Okay. And left about 2:00?

2 A. No, sir, I left about 6:00 p.m.

as I

3 recall.

4 Q. You finished your print search
about

5 2:00?

6 A. Well, probably thereafter,
because I

7 didn't start processing exactly at 9:00, probably
closer

8 to 10:00 before I started the latent processing.

9 Q. What did do you for that first
hour?

10 A. I assisted Officer Clark in
taking

11 some measurements so he could later generate a crime
12 scene sketch.

13 Q. Okay. And when you got there at
9:00

14 and when you went in, how many people were in the
house?

15 A. When I got there no one was in
the

16 house.

17 Q. No one was in?

18 A. That's correct.

19 Q. And you went in with Officer
Clark,

20 was it?

21 A. He was one of the people that I
went

22 in with.

23 Q. Who all went in when you went in?

24 A. I don't recall all of the people
that

25 went in. At about the time I went in the
supervisor,

1 Sergeant Nabors, went in with us.

2 Q. Okay.

3 A. I believe James Cron went in with
us.

4 Q. Had Mayne already been through
picking
5 up evidence?

6 A. I don't know.

7 Q. Before you went in at 9 o'clock?

8 A. I don't know. Officer Mayne was
there

9 also at 9:00 o'clock when I got there.

10 Q. You were not able to observe
whether

11 or not it appeared things had been picked up and
12 collected as evidence?

13 A. I don't know if they had or not.

14 Q. Okay. So, you, for the first
hour or

15 so you assisted Clark?

16 A. Approximately, that length of
time,

17 yes.

18 Q. And you were doing measuring, if

I

19 understand?

20 A. Yes, helping him take some

21 measurements.

22 Q. What were you doing then?

23 A. Holding one end of the tape, yes.

24 Q. You would go to one wall and he

would

25 hold the tape up against the other wall?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. That sort of thing, yes.

2 Q. Okay. Did you do that in the
family
3 room?

4 A. Some of it, yes.

5 Q. Okay. What parts of it?

6 A. As I recall, it was getting the
width
7 and length of the room measurement.

8 Q. Okay. So would you, like, take
the
9 tape and walk over to the wall that had a television
on
10 it?

11 A. I don't recall.

12 Q. You don't recall who did? But one
of
13 y'all would walk across the room to the television?

14 A. I don't recall -- I vaguely recall
the
15 television was in the room, I think, but I don't
16 remember.

17 Q. Okay. Well, let me take the
18 television out of the equation.

19 A. Okay.

20 Q. Do you remember the wall had a

21 fireplace on it?

22 A. Yes.

23 Q. Okay. One of you walked over to
the

24 wall that had the fireplace on it and one of you got
over

25 by the kitchen bar, and made some -- and figured out
what

Sandra M. Halsey, CSR, Official Court Reporter

2057

1 that measurement was?

2 A. Probably. I don't recall

3 specifically.

4 Q. You don't recall that?

5 A. No.

6 Q. Okay. Did y'all -- did you

measure at

7 more than one place? For instance, in the length of

that

8 room?

9 A. I don't recall.

10 Q. Okay. What about then the other

way?

11 Did you measure from the backyard wall, what I call

the

12 backyard wall and the interior wall, did you make

that

13 measurement?

14 A. I don't recall specifically.

15 Q. Did you make measurements in the

16 kitchen?

17 A. I don't believe we made any

18 measurements in the kitchen. I didn't assist him

with

19 any anyway.

20 Q. Okay. What about the utility

room?

21 A. No.

22 Q. Garage?

23 A. Not that I recall. I recall
making

24 some on the outside of the house. We did the

outside

25 perimeter of the actual brick structure itself.

1 Q. Okay.

2 A. I remember making those
specifically.

3 Q. Okay. Do you have some
recollection

4 of the family room, or is that not even --

5 A. I don't recall, for sure.

6 Q. Okay. You remember the outside,
but

7 you really don't remember whether or not you helped

8 measure the inside?

9 A. That's correct.

10 Q. Okay. When did you do your
sketches?

11 A. My sketch in reference to the
blood

12 samples from the 7th, I generated them on the 7th.

13 Q. On the 7th?

14 A. That's correct.

15 Q. So all of these notations of
16 measurements were done on the 7th, on your sketch?

17 A. I would have to see what you are
18 referring to specifically, please.

19 Q. Well, I noted that, I'm showing
you

20 part of 89-D?

21 A. Okay.

22 Q. Is this a sketch?

23 A. Yes. That is going to be in
relation

24 to blood samples on the 7th. That is my rough
sketch,

25 yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

2059

1 Q. I believe it says 60709?

2 A. Yes, sir. This is more of a
finished
3 sketch.

4 Q. This is what you did back at the
5 office?

6 A. Correct, sir.

7 Q. And I note that you were careful
to on
8 every report sign and date your reports, it looks
like?

9 A. I believe so.

10 Q. Is that your practice?

11 A. It is, in fact.

12 Q. When you type up a report, do you
read
13 it for accuracy?

14 A. I usually proofread it more than
once,
15 in this case, several times.

16 Q. Okay. And then you signed it,
and
17 make sure the date is on it?

18 A. Yes.

19 Q. Okay. Is that taught to you-all

at

20 Rowlett to do that?

21 A. They gave me a basic general
format to

22 follow, not in content so much, but as to the format
23 itself of what they wanted.

24 Q. What about signing and dating?

Is
25 that a practice you picked up before Rowlett?

Sandra M. Halsey, CSR, Official Court Reporter

2060

1 A. That is a practice I picked up
before
2 Rowlett. That is also a procedure that I personally
was
3 instructed to do since being at Rowlett. I don't
know
4 what the others do.

5 Q. Okay. But your understanding of
the
6 standing instructions --

7 A. To me.

8 Q. -- at Rowlett

PD --

9 A. To me.

10 Q. To you anyway.

11 A. To me, yes, sir.

12 Q. Were to read your report, sign and
13 date it?

14 A. I had been so instructed, yes.

15 Q. By whom?

16 A. Sergeant Nabors, when I first came
on
17 the crime scene unit.

18 Q. All right. Now, at the time that
you

19 were measuring from 9 to 10, roughly, do you know who
was

20 in the house?

21 A. No, I don't.

22 Q. Okay. You went in, 10, give or
take?

23 A. No.

24 Q. For print purposes?

25 A. For print purposes, yes. That is

Sandra M. Halsey, CSR, Official Court Reporter

2061

1 correct.

2 Q. Okay. Who was in the house then?

3 A. I don't recall for a fact. I
remember

4 some of the people that were there that morning. I
don't

5 remember who specifically was in there when I started
the

6 print process.

7 Q. Who do you remember being in
there?

8 A. Evidence Officer David Mayne,
crime

9 scene supervisor Sergeant Nabors, James Cron,
Officer

10 Clark was in there for just a little while when I
11 assisted him in some measurements.

12 Q. Inside?

13 A. I believe so. I know around
the

14 house. I think we made some inside, but I can't
swear to

15 it.

16 Q. All right. Anyone else that you
17 recall?

18 A. Not that I recall off-hand inside
the
19 house early that morning.

20 Q. Other than Clark, if you remember
21 correctly you were helping inside and I understand
that
22 you are not positive about that. But is he the only
one
23 that you helped do something? I'm talking about your
24 first time in there on the 6th.

25 A. He is the only one I physically

Sandra M. Halsey, CSR, Official Court Reporter

1 assisted doing anything, yes.

2 Q. Were Mayne and Nabors and Cron
doing

3 other stuff?

4 A. I don't know what they were doing.
5 They were investigating the crime scene.

6 Q. You were not really paying
attention?

7 A. Not so much.

8 Q. Did you see anyone collect any
9 evidence while were you in there?

10 A. I didn't notice anyone collect any
11 evidence.

12 Q. Could you see something that
appeared

13 that evidence had been collected?

14 A. I didn't take note of any --
nothing I

15 knew of had been collected. If it had, nobody made
me

16 aware of it. It was not my duty to be aware of it.

17 Q. Do you recall what room these
other

18 three or four folks were in? Or were they in
different

19 rooms at different times?

20 A. I don't know really what rooms
that

21 they were in.

22 Q. Okay. You weren't really taking
note

23 of they were doing?

24 A. I focused on my printing process
and

25 that was pretty important to me at the time.

Sandra M. Halsey, CSR, Official Court Reporter

2063

1 Q. And that is -- are you sort of the
2 designated print person for Rowlett?

3 A. Not necessarily, but, that was my
duty
4 that morning.

5 Q. At this time?

6 A. Yes.

7 Q. Okay. All right. Now did you --
8 where did you first proceed in the house?

9 A. The first place I attempted to
recover

10 latents was in the garage, yeah, the garage window,
the
11 open window, slashed screen.

12 Q. Now, you sort of described a
sequence

13 to Mr. Davis. I was not clear whether or not that
was

14 just a convenient way to do it or that was the
sequence

15 that you did it in.

16 A. That was the sequence I did it
in.

17 And I thought was -- made some kind of sense to me,
the

18 point of entry/exit alleged, working back.
19 Q. You sort of thought that
through. It
20 would be a little easier to remember, a
little easier to
21 explain if I pick a point and then move in a
22 consistent --
23 A. Not so much to explain.
It just made
24 some kind of sense to me instead of
hopscotch, a little
25 bit more of a pattern to it.

Sandra M. Halsey, CSR, Official Court
Reporter

2064

1 Q. Rather than say, "Oh,
there's
2 something," and do that, and go across the
room?

3 A. And maybe forget what's in
between.

4 Q. Yeah. And that would be true if
5 somebody, for instance, collected evidence, that
would be

6 the same kind of principle, wouldn't it? Start
picking

7 up evidence, that ought to sort of try to identify
it in

8 a logical sequence?

9 A. Well, different evidence folks do
10 things differently.

11 Q. Okay. So you proceeded -- did
you

12 walk in and through the kitchen to the garage?

13 A. Yes.

14 Q. Okay. And did you walk -- did
you

15 start at the window?

16 A. The garage window?

17 Q. Yes, sir.

18 A. Yes. That was the first place I
19 processed was the actual window and frame itself.

20 Q. And then after you did that
from the

21 inside, you then went back outside and processed
the

22 outside area?

23 A. I don't recall if I did. I did
the

24 inside, I don't recall if I got those items in the
garage

25 near the window next, or if I went outside to the
outside

 Sandra M. Halsey, CSR, Official Court
Reporter

2065

1 of the window. I don't recall that specific
sequence.

2 Q. But you went back through the
house

3 out the front door and around to the backyard?

4 A. I don't recall how I got in and
out

5 from that garage to the outside of that window.

6 Q. Okay.

7 A. I don't remember my path when I

8 walked.

9 Q. What all are you carrying with you
to
10 do your job?

11 A. At this point, I have got a small
box,

12 about like this, with a fingerprint collection kit in
it.

13 That's all I --

14 Q. Like a tool chest type of thing?

15 A. Yes, sir. Plastic, it has a
lid.

16 Q. Okay.

17 A. And a few items inside.

18 Q. What else?

19 A. That's all I had with me on
hand.

20 Q. Okay. Did you have -- I know
later

21 you took some photographs, did you have a camera
with

22 you?

23 A. I used the same camera, that
Officer

24 Mayne, I believe had used earlier in the day.

25 Q. Okay.

Sandra M. Halsey, CSR, Official Court Reporter

2066

1 A. Auto-focus camera.

2 Q. Okay. Did you put in your own
film to

3 do your --

4 A. That's correct.

5 Q. --

photography?

6 A. That's
correct.

7 Q. All right. So you did the garage.

8 And, you went over and, I guess, knelt down at the
garage

9 window and thoroughly looked at it?

10 A. Yes.

11 Q. Tell me, and you talked a lot
about

12 what you observed, what you dusted, what you lift.
How

13 do you go about that process of taking an item and
trying

14 to determine if there are prints on it and then
whether

15 or not to dust it, and then whether or not to try to
lift

16 something. Describe that process for me.

17 A. Well, I don't understand your
question

18 entirely.

19 Q. Okay. Well, do you first go and
20 eyeball the item?

21 A. That's correct.

22 Q. And there are some places that you
23 think are more likely than not --

24 A. To be pertinent.

25 Q. -- to have prints?

Sandra M. Halsey, CSR, Official Court Reporter

2067

1 A. Yes, that's correct.

2 Q. Okay. And so, I guess, you would

3 thoroughly look at those?

4 A. Visually first, yes.

5 Q. Okay. Do you -- I mean, do you

get up

6 close to them?

7 A. Yes.

8 Q. And sort of --

9 A. You look from a distance and then

you

10 look up close.

11 Q. Okay. So I might look from

several

12 feet?

13 A. That's correct.

14 Q. And assuming my eye sight is good

15 enough, I might get up very close?

16 A. That's correct.

17 Q. To an object and go down it, for

18 instance?

19 A. With your eyes, yes.

20 Q. Yes. I'm sorry. I didn't mean to

21 touch.

22 A. Yes, that's correct.

23

Q. I would be careful not to touch,

24 wouldn't I?

25

yes.

A. Yes, you would be, plus gloves,

Sandra M. Halsey, CSR, Official Court Reporter

2068

1 Q. Okay. So I look at it visually
very

2 closely and perhaps identify what I thought were
3 potential prints, eyeballing?

4 A. You -- latent prints, latent means
5 hidden. They all are not visible to the human eye
6 without processing. On occasion, they might be.

Often

7 they are not.

8 Q. But the first thing you are going
to

9 do is visually see?

10 A. You're going to do that, yes.

11 Q. Is there anything I can eyeball
here?

12 A. That's correct.

13 Q. Okay.

14 A. You also look for surface texture
and

15 those sort of things that might be conducive to
leaving a

16 latent impression.

17 Q. And you are looking at some areas
that

18 may be rough edged like the side of this that are

19 probably not conducive?

20 A. That's correct.

21 Q. To a latent print?

22 A. That's correct.

23 Q. So if I were going to do this TV,

I

24 would go all around it to determine where I might see
25 prints?

Sandra M. Halsey, CSR, Official Court Reporter

2069

1 A. You might do that.

2 Q. And I might think the screen would
be

3 a very good place.

4 A. Glass is good, yes.

5 Q. To get a print. Okay. So, after
you

6 have visually inspected the object, what do you do
then?

7 A. I apply a light coat of
fingerprint

8 powder, in this case black powder is the agent I used
to

9 process.

10 Q. Okay. And --

11 A. With a brush, of course.

12 Q. Do you brush the whole object?

13 A. You might.

14 Q. How would you decide what to brush
and

15 what not?

16 A. It's just a matter of experience,
17 common sense, and gut feeling. In this case on that

18 window, I pretty much processed the whole thing
because I

19 felt it might be important.

20 Q. Okay. And, you, I guess, you have
21 this dust in a little bowl or something in your
kit?

22 A. It's in a container, plastic
jar
23 container.

24 Q. So you take off your container
and you
25 get a brush, did you say?

1 A. Correct.

2 Q. What kind of brush?

3 A. I don't know what the brush is
made
4 of. There's different kinds.

5 Q. Okay.

6 A. I don't know the substance of the
7 brush.

8 Q. Well, I guess it's a wooden
handle, or
9 is it a plastic handle?

10 A. Well, there's both.

11 Q. There's wooden and plastic
handles?

12 A. That's correct.

13 Q. And what kind of brush, bristles
are
14 on there?

15 A. I don't know.

16 Q. Is bristles a good enough word?

17 A. It could be.

18 Q. Okay. What are those made of?

19 A. I don't know.

20 Q. Is this your kit or is this
somebody

21 else's kit?

22 A. This is my kit.

23 Q. Okay. And what kind of materials

are

24 those bristles made of?

25 A. I don't know.

Sandra M. Halsey, CSR, Official Court Reporter

2071

1 Q. You don't know the different
kinds of

2 things they have?

3 A. No.

4 Q. Do you just buy that generic?

5 A. No, it's supplied by the
department.

6 Q. Okay.

7 A. They are specifically made for
this

8 purpose. I don't recall what the bristles are made
of,

9 if that's even the correct terminology.

10 Q. Okay.

11 A. The brush.

12 Q. The brush.

13 A. That's what I call it.

14 Q. The part you brush on with?

15 A. That's correct.

16 Q. Okay. What color are those
bristles?

17 A. They are black now with
fingerprint

18 powder. Originally, they were all whitish
colored. They

19 were light colored.

20 Q. Pardon?

21 A. Light colored.

22 Q. Okay.

23 A. Maybe white. I don't recall.

They

24 are covered with fingerprint dust. I use them

25 constantly. That is part of my work.

Sandra M. Halsey, CSR, Official Court
Reporter

2072

1 Q. Okay. Did you tell me that
you

2 don't -- that no one has ever taught you or told
you what

3 those bristles materials are made of?

4 A. I don't recall. I may have
been told,

5 I don't remember.

6 Q. Okay. All right. So you went
through

7 this process in the garage first and then sort of
were

8 working your way back to the utility room?

9 A. Yes.

10 Q. Okay. And the next thing you
did was

11 the utility room?

12 A. The door in between the garage
and

13 utility room.

14 Q. All right. And so you had
walked out

15 to the garage. Now you walked back through the
utility

16 room?

17 A. Yes.

18 Q. Did you notice a ball cap
there on the
19 floor?

20 A. Yes.

21 Q. You saw that ball cap?

22 A. It wasn't specifically on the
utility

23 room floor. I don't remember. I remember a dark
blue,

24 maybe ball cap with a little logo on the floor,
25 somewhere.

Sandra M. Halsey, CSR, Official Court
Reporter

2073

1 Q. But you are not sure where on
the
2 floor?

3 A. Not specifically.

4 Q. Okay. And as you came into
the
5 utility room, that door opens into the utility
room?

6 A. I don't recall which way it
opens.

7 Q. All right. Let me show you,
Exhibit

8 38, and you might look at 38-B. Does it show the
door in
9 it?

10 A. Yes. And it appears to open
inward
11 into the utility room. I see a cap in the picture.

12 Q. Now, when you dusted, did you
start

13 by -- first you started by inspecting, I guess?

14 A. Yes.

15 Q. And you inspected, which side of
the
16 door first?

17 A. I don't recall. I'm sure -- I
don't

18 recall.

19 Q. Okay. You were standing probably
in
20 the utility room?

21 A. I would say I worked outside in
as I

22 worked a logical path back in, but I can't swear to
which

23 side of the door I did first.

24 Q. Do you think you were standing in
the
25 utility room when you were inspecting the door?

1 A. The inside or the outside?

2 Q. Well, both.

3 A. I don't recall.

4 Q. Okay. Now, you would not want to

--

5 if that door were open, you wouldn't have closed it
when

6 you went out to the garage, would you?

7 A. No, I'm not going to
unnecessarily

8 disturb anything.

9 Q. Okay. So, and as you were going
10 around it, you wouldn't, for instance, stand and
move

11 that door so you could look at it, would you?

12 A. I might.

13 Q. You might?

14 A. To visually inspect as part
of my

15 investigation.

16 Q. If you were trying to be
careful? Be

17 careful with your gloves so as not to disturb
something.

18 A. And my feet.

19 Q. Okay. And so you're

looking, you are

20 visually inspecting the door, top to bottom
pretty much?

21 A. That's correct.

22 Q. Okay. And then did you go
around and

23 inspect the end of the door?

24 A. I don't recall.

25 Q. You do not recall inspecting
that?

Sandra M. Halsey, CSR, Official Court
Reporter

2075

1 A. I don't know if I did or
not.

2 Q. Okay. Then did you move on
around and

3 inspect the -- what I would call the inside of
the door?

4 A. I processed the inside of
the door,

5 yes.

6 Q. Okay. By processing it, you
mean?

7 A. Visually inspecting it.

8 Q. Visually inspecting it?

9 A. Correct.

10 Q. Dust?

11 A. Correct.

12 Q. And lift, if there's
something to

13 lift?

14 A. In this case, yes.

15 Q. Okay. Now, sometimes do you
dust and

16 you see prints that you know is a print but you
say,

17 "That is really not suitable for lifting"?

18 A. Not in this case.

19 Q. Okay. Anything that you saw
you

20 attempted to lift?

21 A. That I was unable to
recover? That I

22 attempted to recover?

23 Q. Were there some?

24 A. Not that I recall. Anything
that I

25 got at all, I turned it into evidence realizing
the

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Reporter

2076

1 importance of it, or the possible importance of
it.

2 Q. Then from there, you went to
the
3 kitchen?

4 A. Well, I also dusted the utility
room,
5 some objects, the washer/dryer in the utility room
6 itself.

7 Q. And again, you would have done
the
8 same thing, walked around them and visually
inspected
9 them?

10 A. Carefully walk around them,
because
11 there was blood on the floor, as I recall, in
there.

12 Q. Right and you were trying not
to --

13 A. On the floor, I don't know. On
the
14 appliances I recall some drops of blood. Maybe --
I
15 don't know about the floor.

16 Q. And you were trying not to step
in

17 that blood?

18 A. I am trying to be very careful
where I

19 step, period.

20 Q. Okay.

21 A. Being especially alert for blood.

22 Q. Okay. Or anything else?

23 A. That's correct.

24 Q. And then, you went around the
kitchen

25 island and visually inspected it? Did you inspect
both

Sandra M. Halsey, CSR, Official Court Reporter

2077

1 sides?

2 A. You mean of the center island
there?

3 Q. Yes, of the center island.

4 A. I processed the whole thing.

5 Q. Down that counter?

6 A. That's correct.

7 Q. Okay. And did you process any
objects

8 on the counter?

9 A. On the center island?

10 Q. No, on the -- I'm talking about
the

11 right --

12 A. The sink counter?

13 Q. Yes. The sink counter. On that
side

14 that has the refrigerator on it, that is generally
toward

15 the garage?

16 A. Okay. I don't recall processing
any

17 specific items on there. If I did, I don't remember.

18 Q. Okay.

19 A. I specifically do remember
processing

20 the counter.

21 Q. The counter top itself?

22 A. The counter top.

23 Q. Okay. And then you moved to the
24 island?

25 A. In between the family room and
dining

Sandra M. Halsey, CSR, Official Court Reporter

2078

1 room?

2 Q. No. I am calling that a bar.

3 A. Okay.

4 Q. And the other one, I think we have
5 been calling the island --

6 A. Oh, okay.

7 Q. -- which is free-standing in the
8 kitchen there.

9 A. I processed all of those counter
10 surfaces. I don't recall specifically which order,
which

11 island or counter necessarily was first.

12 Q. Then you went around to the other
13 side? And when did you first see that glass on the
14 floor?

15 A. The broken wine glass?

16 Q. Um-hum. (Attorney nodding head
17 affirmatively)

18 A. As I was processing the kitchen
for
19 latent prints.

20 Q. Had you noticed --

21 A. I might have noticed it earlier,
but

22 didn't mess with it. When I came back through, I
looked

23 at it. I mentioned to my sergeant, you know, and we
24 thought, yes, that should be processed.
25 Q. Now, how did process it?

Sandra M. Halsey, CSR, Official Court Reporter

2079

1 A. With powder.

2 Q. Did you pick it up?

3 A. Yes, I picked it up and put it on
the
4 counter as I recall and dusted it.

5 Q. You think on the island counter?

6 A. No, I think on -- I don't recall.
I
7 won't say think.

8 Q. All right. Did you then -- after
you
9 processed it, did you put it back on the floor?

10 A. I don't recall.

11 Q. Okay. But you processed the stem
and
12 the bowl?

13 A. The part of the bowl that wasn't
14 broken, yes, and the base.

15 Q. Okay. And you thought that that
was a
16 probable place for prints?

17 A. I thought it was possible, since
it
18 was broken.

19 Q. All right.

20 A. Broken there on the floor and I
21 thought it was possible.
22 Q. And from then, you went into the
23 family room?
24 A. Yes.
25 Q. And did you go all around and look
at

Sandra M. Halsey, CSR, Official Court Reporter

1 all of the glass tables?

2 A. I specifically remember processing
the

3 two glass tables referred to earlier, the small north
4 coffee table, and the large square one in the center
of
5 the room.

6 Q. Okay. The one sort of between the
7 couches or --

8 A. That's correct.

9 Q. Okay. And again, would you get
down
10 close to that and walk all the way around that?

11 A. I visually inspected it.

12 Q. And you lifted two prints off of
13 the -- I guess it's the more rectangular glass
table?

14 A. That's correct.

15 Q. Behind the couch?

16 A. From one single latent I got
two
17 lifts.

18 Q. Okay. One print, two lifts?

19 A. Correct.

20 Q. Now, are there other

techniques to try

21 to lift and identify prints other than the
dusting

22 method?

23 A. Yes. There's other agents,
processing

24 agents.

25 Q. Can you do those in the field
or some

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Reporter

2081

1 of them?

2 A. You could.

3 Q. Are some of them more
conducive to

4 taking it home to the lab?

5 A. By far, yes.

6 Q. Okay. So there might be some
item

7 that -- well, if you saw an item like that, would
you

8 typically dust it and then try to lift it, or would
you

9 say, I think I am just going to save that one and
take it

10 back to the lab?

11 A. It should be sent to the lab.

12 Q. Without dusting?

13 A. That's correct.

14 Q. Okay. And as I understand, none
of

15 these items that you talked about you did that on?

16 A. I didn't recover any of those
items to

17 turn into the lab, no.

18 Q. What are those kind of procedures

that

19 can be done in the lab to identify or enhance or help
20 pick prints?

21 A. Ninhydrin.

22 Q. Pardon

me?

23 A.

Ninhydrin.

24 Q. Okay.

25 A. There's super glue. That is
like a

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2082

1 generic term. I don't recall the chemical term.

2 Q. Okay.

3 A. There's also other agents.

These

4 surfaces I was working with, in my experience and

5 training, were most conducive to black powder.

These

6 were smooth surfaces.

7 Q. That would be except for the

glass

8 goblet?

9 A. That was a smooth surface,

glass.

10 Q. But you could have picked that

up and

11 taken it to the lab for more enhanced ones,

couldn't you?

12 A. Could have.

13 Q. Okay. Now, you -- did you

collect any

14 blood samples on the 6th or not?

15 A. I did not.

16 Q. That was the next day?

17 A. That is correct.

18 Q. Okay. You completed your print

19 processing, and did you make some photographs on
the 6th,

20 or was that the next day, too?

21 A. I made some photographs on the
6th. I

22 photographed the dried, bloody latent in the family
room,

23 hoping to maybe document it if the photograph
didn't come

24 out well, inappropriate camera and try to document
the

25 fingerprint detail. I also took some photographs
on a

1 separate roll of film for a lady, Kathryn Long, of
the
2 sink and the kitchen.

3 Q. Now, as you would lift these
prints,

4 you would put them on your little card?

5 A. Yes.

6 Q. Okay. And would you look at
them?

7 A. Did I look at what I had
recovered?

8 Q. Yes.

9 A. Yes.

10 Q. And you are trained enough to see
11 whether or not that was a good print or not a very
good

12 print?

13 A. You mean as far as identification
14 purposes?

15 Q. Yes.

16 A. Overall quality?

17 Q. Suitable for identification.

18 A. I don't know. I can make ball
park

19 guesstimations.

20 Q. Okay. Well, these that you had,
they
21 are all in evidence. The ones that you had, did you
make
22 the determination that those were in your judgment
23 suitable for comparison?

24 A. I didn't really make that
judgment.
25 Anything I recovered that day, I was going to turn
in.

1 Q. You didn't really analyze any of
them

2 that day to say, "I think this is a good one, or
that is

3 bad one or --"

4 A. No, sir, I did not make that sort
of
5 judgment.

6 Q. Okay. Have you done it since?

7 A. Made those sorts of judgments?

8 Q. Yes.

9 A. Not necessarily.

10 Q. Okay. Could you do that now and
look
11 at them and see if they are comparable?

12 A. No, I could not. That is not my
13 training and specialty.

14 Q. You just don't feel qualified to
do
15 that?

16 A. No, sir.

17 Q. Now, the blood samples that you
took
18 on the next couple of days, do you recall that you
were

19 sent back out there two more times to get blood
samples?

20 A. Yes.

21 Q. The 6th and the 8th?

22 A. I believe it was the 7th and
8th.

23 Q. 7th, I'm sorry. You're right,
7th and

24 8th.

25 A. I believe that's correct.

1 Q. Okay. And, who instructed you
to go

2 back out there?

3 A. Sergeant Nabors.

4 Q. Did you meet Sergeant Nabors out
5 there?

6 A. Yes.

7 Q. Did he say I want a sample here,
there

8 and yonder?

9 A. He specifically pointed out
specific

10 areas, that's correct.

11 Q. Those are the ones noted on your
12 sketch?

13 A. Yes.

14 Q. Okay. Now, when you take a
blood

15 sample like that, for instance, there is a drop of
blood,

16 how do you go about that sampling process? How do
you

17 take that sample?

18 A. On the 7th there was a couple of
19 methods I used because some of the areas he wanted

the

20 collection from were on a hard linoleum surface,
dried

21 blood on a hard linoleum. Some of the other
samples he

22 wanted collected were on carpet, dried blood soaked
into

23 the carpet. So there's 2 methods used by me that
day --

24 Q. All right.

25 A. -- to collect those samples.

1 Q. And are you -- I see the
phraseology

2 blood flakes. Are you picking up little flakes of
that

3 drop?

4 A. On the ones on the hard
linoleum, I

5 did lift flakes that were adhered to the linoleum.

6 Q. Okay.

7 A. I flaked off some off of a dried
blood

8 spot.

9 Q. What do you flake those with?
What do

10 you flake them off with?

11 A. I have a sharp little knife
12 instrument.

13 Q. And do you just flake in those
into

14 like a little film canister-type thing?

15 A. Not a film canister.

16 Q. What kind of canister is that?

17 A. A paper envelope with the outside
of

18 the edges taped to avoid any minute, microscopic

flakes

19 coming out from the corners.

20 Q. So how many of those little bitty

-- I

21 guess these flakes come off pretty small?

22 A. It depends. They come off

different

23 sizes.

24 Q. Okay. So you would flake some on

to

25 your piece of paper?

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1 A. That's correct.

2 Q. And then, close up that piece of
3 paper?

4 A. It was an envelope, small
envelopes.

5 Q. And then you put those in some
kind of

6 container?

7 A. That's correct.

8 Q. And off the carpet, do you do
9 essentially the same process?

10 A. No, it's a little different. I
use a
11 sterile gauze swatches, little small corners, sterile
12 cotton gauze, then I swab them out at 0.9 percent
sodium
13 chloride solution, wipe the swabs with the solution
on
14 the dried blood on the carpet to redden your swab,
let
15 your cotton swab air dry, and then place it in a
paper
16 envelope.

17 Q. So you are actually taking the
swab

18 and putting it in the envelope?

19 A. After it air dries, correct.

20 Q. Okay.

21 A. That's got soaked up some blood
22 sample.

23 Q. So in that instance, you sort of
soak

24 the blood out of it onto the swab, dry the swab and
put
25 it in the envelope?

1 A. That's correct.

2 Q. Okay. Now, what's the reason for
3 drying it?

4 A. Well, you prefer to have your
sample

5 dry, or pretty dry before you place it in your
envelope.

6 Q. And is that so it won't transfer
blood

7 off of -- once it's moist, on to some other object?

8 A. Not so much as you don't want to
spoil

9 your sample.

10 Q. By putting it up wet?

11 A. That is one way you can spoil it.

But

12 you wouldn't necessarily spoil it as that, but you
prefer

13 to put it up dry, if possible.

14 Q. Okay. And Nabors directed you to
take

15 a set of samples on the 7th?

16 A. Yes.

17 Q. Do you remember how many that was?

18 A. I don't recall a specific number.

19 About seven, I think.

20 Q. Okay. And then, called you back
the

21 next day and had thought of some others that he
wanted to

22 do?

23 A. I don't know if he thought of some
24 others, but he instructed me to collect some others.

25 Q. But those were different places?

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1 A. That's correct.

2 Q. Okay. Did -- when you left on --
left

3 the house on the 6th, did you check the bottom of
your
4 shoes?

5 A. I don't recall.

6 Q. You don't recall whether or not
you

7 checked the bottom of your shoes to see if you had
any

8 blood on your shoes?

9 A. No, sir, I don't recall.

10 Q. You didn't check them to see if
you

11 had any glass on the bottom of your shoes?

12 A. I don't recall if I checked the
bottom

13 of my shoes or not.

14 Q. Do you recall what kind of shoes
you

15 had on?

16 A. Yes.

17 Q. What were the soles made of?

18 A. Well, they were running shoes.

19 Q. Tennis shoe type?

20 A. Running shoes, yes. Um-hum.

(Witness

21 nodding head affirmatively.)

22 Q. They were not like the shoes you
have

23 on now?

24 A. No, sir.

25 Q. That is a rubber sole?

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1 A. That's correct.

2 Q. Okay.

3

4 MR. RICHARD C. MOSTY: I think

that's

5 all I have.

6

7

8

9

REDIRECT EXAMINATION

10

11 BY MR. GREG DAVIS:

12 Q. Officer Hamilton, let me ask you,

at

13 any time while you were out there on Eagle Drive, did

you

14 ever check any areas for possible blood?

15 A. I was directed by Sergeant Nabors

to

16 check an area, yes.

17 Q. Okay. And, when did this occur?

What

18 date?

19 A. I believe it was June the 6th.

20 Q. All right. And what area were you

21 directed to go to?

22 A. The wooden gate, rear gate.

23 Q. All right. What did do you there

when

24 you got to that gate?

25 A. There were a couple of areas there

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1 that he wanted me to check, do presumptive blood
testing.

2 Q. Okay. And what do we mean,
3 presumptive blood test?

4 A. The test would indicate whether
the
5 substance on the fence might be blood.

6 Q. Okay. And how did you perform
those
7 tests?

8 A. I don't recall the specific brand
name
9 of the test, but I applied the solution to the spot
on
10 the fence.

11 Q. Okay. And, do you remember what
part
12 of the gate or the fence that you were testing there?

13 A. It was the outside of the gate.

14 Q. And, what was the result of the
15 presumptive blood test out there on the outside of
the
16 gate?

17 A. They were negative results.

18 Q. Okay. Any other areas outside
that

19 you recall Sergeant Nabors or anyone else directing
you

20 to that day or any other day?

21 A. No.

22 Q. Looking at your report of June
6th,

23 that is not included in it what you did with the
blood

24 tests. Any reason why you wouldn't have that in
your

25 report?

21 scene where you have gray, or darkish stains, is
that

22 your dust?

23 A. I would have to see what you
are

24 referring to specifically. I know on some of the
25 photographs you can see what appears to be the
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1 fingerprint powder, yes.

2 Q. Okay. Let me show you 39 and it
shows

3 that the door -- well, does it show the door to the
4 utility room?

5 A. That's correct, yes.

6 Q. Does it show some staining?

7 A. Yes.

8 Q. Is that the grayish or the
blackish

9 staining, is that your dusting?

10 A. I would guess so, yes.

11 Q. Okay. And how high up did you
dust on

12 this door?

13 A. I don't recall specifically how
high.

14 I made an effort to process that door thoroughly.

15 Q. Okay. But you don't recall
whether or

16 not you did the end of that door?

17 A. I see what appears to be powder on
it.

18 Do I specifically remember in my mind at this moment,
no,

19 sir, I don't recall.

20 Q. Okay.

21

22 THE COURT: Are you offering that?

23 MR. RICHARD C. MOSTY: We will

offer

24 39.

25 THE COURT: Any objection?

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1 MR. GREG DAVIS: No objection.

2 THE COURT: Defendant's Exhibit

No. 39

3 is admitted.

4

5 (Whereupon, the item

6 heretofore mentioned

7 was received in

evidence

8 as Defendant's

Exhibit

9 No. 39, for all

purposes

10 after which time,

11 the proceedings were

12 resumed as follows:)

13

14 MR. RICHARD C. MOSTY: That's all.

15 THE COURT: Anything else?

16

17

18 FURTHER REDIRECT EXAMINATION

19

20 BY MR. GREG DAVIS:

21 Q. I just have one question. Is

black

22 powder going to be left everywhere that you process
for

23 fingerprints?

24 A. Not necessarily visible.

25

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1 MR. GREG DAVIS: No further
questions.

2 THE COURT: You may step down,
sir.

3 THE COURT: Your next witness.

4

5

6 (Whereupon, the following

7 mentioned item was

8 marked for

9 identification only

10 after which time the

11 proceedings were

12 resumed on the record

13 in open court, as

14 follows:)

15

16 MR. GREG DAVIS: Your Honor, at

this

17 time, the State is going to offer State's Exhibit No.

50.

18 THE COURT: All right. Which is?

19 MR. GREG DAVIS: Those would be

the

20 bank records from Bank One Texas. Those have been

on

21 file more than 14 days prior to the start of this
trial.

22 They're accompanied by a business record affidavit.

23 MR. RICHARD C. MOSTY: Well, this

24 might be a good time to take a recess and let us

review

25 these.

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1 THE COURT: All right. That will
be
2 fine.

3 THE COURT: I'll give you 10
minutes.

4 Is 10 going to be enough?

5 MR. DOUGLAS MULDER: Yes, that is
6 fine.

7 THE COURT: All right. Thank you.
10
8 minute recess.

9 (Whereupon, a short
10 Recess was taken,
11 After which time,
12 The proceedings
were

13 Resumed on the
record,

14 In the presence
and

15 Hearing of the defendant
16 But outside the presence of
17 the jury, as follows:)

18
19 THE COURT: All right. Let the
record

20 reflect that those proceedings are being held outside
the

21 presence of the jury and all parties to the trial are
22 present. Mr. Hagler.

23 MR. JOHN HAGLER: Your Honor, we
have

24 been shown what has been marked as State's Exhibit

No. 50

25 which is compilation of bank records from,
apparently,

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1 Bank One of Texas. There is a business records
affidavit

2 which has been filed with the Court apparently with
the

3 State's attempt to comply with Rule 901 and 902.

4 At the outset, I might mention,
your

5 Honor, that the affidavit states that there are 118
pages

6 in this record. Apparently, these are -- and I'll go

7 through the individual exhibits, specifically, in a
few

8 seconds here.

9 But, our first objection would be,
10 your Honor, that in light of the fact that there
11 apparently are sections of bank records here that are
12 incomplete and possibly misleading. A conception
could

13 be given to the jury by the admission of these
documents

14 and the fact that there is no statement here showing
that

15 all of the bank records are here to be shown to the
jury.

16 Because only partial portions have
17 been presented, again, it could be misleading as to

the

18 financial condition of the defendant and the
family.

19 Now, your Honor, if I could, I
will

20 just go through here, and, basically, there are
about

21 five or six maybe, primary sections of the bank
records.

22 At this point, your Honor, I might also add that
there

23 are some yellow tags on here.

24 MR. GREG DAVIS: Those are not
part of

25 State's Exhibit 50. Those are my personal notes. In

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1 publishing that document to the jury that will be
taken

2 off before that item is actually placed into evidence
for

3 the jury to view.

4 THE COURT: All right.

5 MR. JOHN HAGLER: The first group
of

6 documents apparently is a note and security agreement

7 regarding a \$10,000 loan in the name of Darin

Routier.

8 The bank name, again, these are all Bank One Texas

9 records that -- evidently.

10 Your Honor, as far as this
particular

11 note, security agreement, we would point out to the
Court

12 that there are no payment records included within
these

13 documents. And we would urge the Court that this

14 document alone would give -- would be misleading and

15 confusing to the jury as to the actual financial
status

16 of the defendant and her spouse.

17 Now, the second document is

apparently

18 a -- it's, again, it's a promissory note to Bank One,
the

19 loan number is 213220000, and, according to this
label

20 here that the State has added, which we understand is
not

21 a part of the record itself, but indicating this is
going

22 to be the spa loan.

23 And, again, in reviewing this

24 particular document it does not appear that the

payment

25 records are on this particular document. And, again,

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1 this would cause confusion, and is potentially
misleading

2 to the jury as to the actual financial status of the
3 defendant.

4 In addition, your Honor, there are
5 some additional documents here regarding disclosure
6 statements and regarding a loan number. And, again,
I'm

7 not sure, this may have been a previous loan, number
8 213220000. And, again, these documents do not appear
to
9 be complete, and, again, would create a misleading
10 impression before the jury as to the true financial
11 status of the defendant and her spouse.

12 The next document, your Honor,
appears
13 to be the safety deposit agreement with the bank, and
14 various -- the agreement regarding the safety
deposit
15 lease agreement.

16 As far as this particular
document,
17 your Honor, at this point there has been certainly
no
18 showing of any relevancy under Rule 401 as to why

the

19 safety deposit box lease agreement would have any
bearing

20 on the issue before the jury at this time.

21 Your Honor, the next series of
22 documents, which, I might add, constitutes the bulk
of

23 these documents is going to be the records as to
the

24 personal account with the bank of the defendant and
her
25 spouse, account number 00131118455.

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1 Your Honor, this is going to
consist
2 of a large number of checks. The first series, by
the
3 way, the dates are from 13 May, to 14 June of 1995.
4 These documents again, are the
5 personal account of the Routiers, and these, again,
are
6 just going to be personal checks, groceries. I'll
just
7 go through them and give the Court an idea of what we
are
8 talking about. We're talking about, here's a check
to a
9 grocery store, here's a check to the telephone
company,
10 here's a check to a department store, here is an
11 insurance payment, here is one to, apparently a --
the
12 children's school, and I won't belabor the point.
The
13 fact is these are simply personal checks on a day-
to-day
14 status of the banking activity.

15 Now, in addition, I noticed the

same

16 account goes from 15 June to 17 July. And, again,
17 chronologically, we're moving through a particular
18 account. And, again, we're moving through, here
again

19 I'm going through September, October, and, again,
20 personal checks as to the personal expenditures from
the
21 Routier family.

22 I noticed also, there is a
particular

23 marking here, your Honor, as to the particular
personal

24 account as to five overdrafts. I might add that our
25 review of these documents has failed to indicate
whether

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1 or not they had overdraft privileges, and whether or
not
2 this would be improper, and whether or not any action
was
3 taken in accordance to that.

4 This would be, we would submit,
your

5 Honor, 404-B material which would be clearly
inadmissible

6 and highly prejudicial if admitted before the jury.

7 And, again, we have some
additional

8 overdrafts in the personal account in the time period
of

9 February through March of 1996. Five overdrafts, and
10 again, this would be 404-B material, we would
object to

11 it.

12 And, again, in the personal
account,

13 is that I'm going through them chronologically,
we're

14 moving now through March and April and then through
April

15 and May. Again, there are two overdrafts, again,

1 Your Honor, at this point in time,
2 those are our basic objections, but -- let me just
back
3 up a second.

4 THE COURT: Sure.

5 MR. JOHN HAGLER: This affidavit,
your
6 Honor, obviously, is here for the purpose of -- is a
7 self-authenticating mechanism for the State to
dispense
8 with the need for an authenticating witness.

9 This affidavit, in review of that
10 affidavit, there is nothing in that affidavit that
11 indicates the time periods for which this custodian
is
12 attesting that the bank records are true and
accurate
13 copies and represent a proper representation of
those
14 bank records. This just simply states that the
attached
15 are 118 pages from Bank One Texas.

16 We don't have any time periods,
the
17 custodian doesn't state that these are true and

accurate

18 documents between two set time periods; or whether or
not

19 they are complete and accurate within those
particular

20 time periods.

21 Now, in addition, to what I have
22 already stated, your Honor, our objection at this
point

23 in time, is that it gets back to the issue of
relevancy.

24 And, I guess, if you really want to capsulize what
we're
25 talking about here, your Honor, this is a -- they
have

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15 defendant's financial condition was leading up to
June
16 6th. And we have chosen a period of time, because
we
17 feel it's important that the financial situation in
June
18 be placed in some sort of perspective and not be
viewed
19 in some vacuum sitting alone. And for that reason,
we
20 chose, and I believe, a reasonable period of time
leading
21 up to June 6th, so we can place it in perspective.

22 Also, it goes to the state of
mind of
23 the defendant. As far as the loans, those are being
24 placed in -- the relevancy of those loans is to show
the
25 amount of monthly payment that this defendant and
her

1 husband were required to make on those three loans;
on
2 the '93 loan that had not yet expired, the boat loan
and
3 on the spa loan. And those documents contained in
that
4 as State's Exhibit No. 50 will show to the jury the
5 amount of the loan payments each month.

6 With regard to the individual
checks
7 and to the safe deposit box records, I don't have
any
8 problem, and at this time, I would agree to withdraw
from
9 State's Exhibit 50 any records regarding the safety
10 deposit box, or the individual checks contained on
the
11 monthly summaries, and just leave us with the
monthly
12 summaries. I don't have a problem with that
either.

13 THE COURT: Is that
satisfactory?

14 MR. JOHN HAGLER: Well, we also
have

15 the overdrafts, your Honor, you know, in addition to
some

16 other matters.

17 THE COURT: In other words, it's
not

18 satisfactory?

19 MR. JOHN HAGLER: No, your Honor,
that

20 is not satisfactory.

21 MR. DOUGLAS MULDER: Judge, there
is

22 absolutely nothing -- it may be admissible at some
time

23 and they may be able to show some relevance, but at
this

24 juncture of the trial, there is absolutely -- it
doesn't

25 make any difference what their monthly payments are.
How

1 does that show any motive? Maybe they can establish
2 that, but until they do, this is not material.

3 THE COURT: Are those all of the
4 objections?

5 MR. JOHN HAGLER: Not quite, your
6 Honor.

7 THE COURT: Okay.

8 MR. JOHN HAGLER: Let me just
back up

9 a second.

10 As I go through these documents,
what

11 they are offering to the Court are the loans.

There's a

12 boat loan, spa loan and apparently there was a
\$10,000

13 loan, but I don't see at this point and maybe upon
closer

14 review, if there is no showing of any default on
these

15 loans, you know, or failure to make payments. If
there

16 are, then we would submit that would be improper

404-B

17 material.

1 has some, -- resolves some disputed
fact in this case.

2 And all they have done is offered
financial records, you

3 know, showing banking activity, and
it's not -- that

4 doesn't show any motive to do
anything.

5 Furthermore, it
constitutes 404-B

6 materials, portions of it, and it's
confusing and

7 misleading.

8 And certainly the
jurors, when they

9 see this, they are not going to
understand the bearing of

10 it, you know, and I would submit it
would place undue

11 emphasis on these records. It would
be highly

12 prejudicial to the defendant.

13 THE COURT: All
right.

14 MR. DOUGLAS

MULDER: Judge, we would

15 just ask you to withhold any ruling
on this until they

16 show that it's remotely relevant to
this offense.

17 First, they have
to establish that she

18 did it. They have not connected her
with the offense

19 yet, except the fact that she lived
there.

20 THE COURT:

Anything else? That's it?

21 All right. The
Court overrules the

22 objections and will admit State's
Exhibit No. 50 subject

23 to the removal of the items that Mr.
Davis said he would

24 remove.

25 MR. GREG DAVIS:

Yes, sir.

1 THE COURT: If you
will remove those
2 items.

3 MR. GREG DAVIS:
Yes, sir. What I
4 will do then, I will not offer that
at this time.

5 THE COURT: All
right.

6 MR. GREG DAVIS: I
will remove those
7 items, and then I will give counsel
an opportunity to
8 inspect that.

9 THE COURT: Well,
then, we will hold
10 the exhibit in abeyance then until
such time as it's
11 offered for introduction.

12 MR. GREG DAVIS:
Yes, sir. I will do
13 that. Thank you.

14 MR. JOHN HAGLER:
Your Honor, we would
15 also submit that the minimal
probative value is minimal

16 and the prejudicial effect vastly
outweighs any probative
17 effect. And, we would ask the Court
that the documents
18 be excluded, based on Rule 403.

19 THE COURT: Well,
the Court will, as
20 stated will admit the document at the
appropriate time if
21 those are -- those items that Mr.
Davis said will be
22 removed will be removed. The Court
feels that the
23 probative value far outweighs any
prejudicial effect.

24
25

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1 (Whereupon, the
above
2 mentioned item
was
3 received in
evidence
4 as State's Number
50,
5 for all purposes
6 after which time,
7 the proceedings were
8 resumed on the record,
9 as follows:)

10
11 MR. DOUGLAS MULDER: Your Honor,
will
12 you require us to object in front of the jury?

13 THE COURT: I will not.

14 MR. DOUGLAS MULDER: And can you
15 assure us that you will recall our objections?

16 THE COURT: I can assure you of
that.

17 I am not that far gone yet. I may be up to "z" in
18 Alzheimer's but I'm not that far gone. You will not
have
19 to object to this in front of the jury.

1 the ruling for the defense.

2 All right?

3 MR. DOUGLAS MULDER: Fine.

4 THE COURT: Thank you.

5 THE COURT: Okay. With that in
mind,
6 do we have another witness?

7 MS. SHERRI WALLACE: We do, your
8 Honor.

9 THE COURT: All right. Well,
then,
10 let's get him in or her in.

11 MS. SHERRI WALLACE: Yes, sir.

12 THE COURT: All right. Your
Honor,
13 this witness has not been sworn.

14 THE COURT: Ma'am, if you will
raise
15 your right hand, please?

16

17 (Whereupon, the witness
18 was duly sworn by the
19 Court, to speak the
truth,
20 the whole truth and
21 nothing but the truth,

22

after which, the

23

proceedings were

24

resumed as follows:)

25

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1 THE COURT: Do you solemnly
swear or
2 affirm that the testimony you are about to give
will be
3 the truth, the whole truth, and nothing but the
truth, so
4 help you God?

5 THE WITNESS: I do.

6 THE COURT: Have a seat right
here.

7 THE WITNESS: Yes, sir.

8 THE COURT: All right. Bring the
jury
9 in, please.

10

11 (Whereupon, the jury

12 Was returned to

the

13 Courtroom, and

the

14 Proceedings

were

15 Resumed on the

record,

16 In open court, in

the

17

Presence and

hearing

18

Of the defendant,

19

As follows:)

20

21

THE COURT: Okay. Speak right

into

22 this thing here real loudly. Have you ever

testified

23 before?

24

THE WITNESS: No.

25

THE COURT: Okay. You are going

to

Sandra M. Halsey, CSR, Official Court Reporter

2111

1 hear your voice echo, so don't be alarmed. Just
speak

2 out loud so everybody can hear you. Okay?

3 THE WITNESS: Yes.

4 THE COURT: All right. Just
speak

5 into that mike right there.

6

7

8

9 Whereupon,

10

11 OKIE WILLIAMS,

12

13 was called as a witness, for the State of Texas,
having

14 been first duly sworn by the Court to speak the
truth,

15 the whole truth, and nothing but the truth,
testified in

16 open court, as follows:

17 THE COURT: All right. Ladies

and

18 gentlemen, this witness has been sworn
outside of your

19 presence.

20 All right. Mr. Davis.

21 MR. GREG DAVIS: It

will be Ms.

22 Wallace, your Honor.

23 THE COURT: Oh, Ms.

Wallace. Excuse

24 me. I'm sorry.

25

Sandra M. Halsey, CSR, Official
Court Reporter

2112

1

DIRECT EXAMINATION

2

3 BY MS. SHERRI WALLACE:

4 Q. Tell us your name,
please.

5 A. My name is Okie
Williams.

6 Q. How do you spell your first
name?

7 A. O-k-i-e.

8 Q. Are you married?

9 A. Yes.

10 Q. Do you have any kids?

11 A. I have two children.

12 Q. Where do you work, Mrs. Williams?

13 A. I work at Bank One in Rowlett.

14 Q. How long have you worked at the
Bank

15 One in Rowlett?

16 A. About seven and a half years.

17 Q. Okay. What job do you have now?

18 A. I work as a personal banker.

19 Q. Okay. Before --

20

21 THE COURT: Can everybody hear
this

22 witness? All right.

23 MS. SHERRI WALLACE: Ms.

Williams,

24 have you ever testified before?

25 THE WITNESS: No.

Sandra M. Halsey, CSR, Official Court Reporter

2113

1 BY MS. SHERRI WALLACE:

2 Q. Before you started working as a
3 personal banker in Rowlett at Bank One, what did you
do
4 there at the bank?

5 A. I worked as a teller about five
and a
6 half years and as a customer service rep about a
year.

7 Q. When were you promoted to
personal
8 banker?

9 A. January 1st of 1996.

10 Q. Let me ask you, Mrs. Williams,
did you
11 have a customer who you knew to be Darin Routier?

12 A. Yes.

13 Q. Okay. How did you know him?

14 A. As a customer.

15 Q. Just know him there through the
bank?

16 A. Yes.

17 Q. How long have you known Mr.
Routier?

18 A. Quite a while. I remember when

I

19 worked as a teller, I knew him.

20

21 MS. SHERRI WALLACE: May I

approach

22 the witness, your Honor?

23 THE COURT: You may.

24

25

Reporter Sandra M. Halsey, CSR, Official Court

2114

1 BY MS. SHERRI WALLACE:

2 Q. Mrs. Williams, let me show you
what

3 has been admitted into evidence as State's Exhibit 54.

4 Do you recognize that?

5 A. Yes.

6 Q. Who is that a picture of?

7 A. Darin Routier.

8 Q. Okay. On -- directing your
attention

9 back to June 1st of 1996. Were you working at Bank
One

10 in Rowlett then?

11 A. Yes.

12 Q. Do you remember what day of the
week

13 that was, June the 1st?

14 A. I believe that was Saturday.

15 Q. I'm sorry?

16 A. Saturday.

17 Q. Okay. Are you-all open on
Saturday

18 there at the bank?

19 A. Yes, from 9 to 1.

20 Q. Okay. Did Mr. Routier come in the
21 bank that day?

22 A. No.

23 Q. Okay. Did you talk to him about a

24 loan application on that day?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

2115

1 Q. Okay. Where did you do that?

2 A. Pardon?

3 Q. Where did you-all discuss the loan
4 application on this, of June the 1st?

5 A. Bank One in Rowlett.

6 Q. Okay.

7

8 MR. JOHN HAGLER: Your Honor.

9 THE COURT: You are going to have
to

10 speak up, ma'am. People cannot hear you.

11 MR. DOUGLAS MULDER: Judge,
apparently

12 this is a loan or some sort of commercial transaction
13 between the husband and this bank?

14 THE COURT: Are we going to get
15 relevant on this? What are we doing?

16 MS. SHERRI WALLACE: Yes, your
Honor.

17 Since this is a community property state, then this
will

18 go to show the defendant's state of mind just days
before

19 the offense.

20 MR. DOUGLAS MULDER: Judge, that
is

21 kind of stretching things just a little bit. They
are

22 going to go into some, I take it, some transaction
that

23 the husband was attempting with this bank; is that
right?

24 MS. SHERRI WALLACE: Judge, the
25 records will also show --

Sandra M. Halsey, CSR, Official Court Reporter

2116

1 THE COURT: Just a minute. All
right.

2 Just a minute. Can the jury step outside, please?

3 THE COURT: All right.

4

5 (Whereupon, the jury

6 Was excused from

the

7 Courtroom, and the

8 Proceedings were

held

9 In the presence of

the

10 Defendant, with

his

11 Attorney, but

outside

12 The presence of

jury

13 As follows:)

14

15 THE COURT: Let the record

reflect

16 that these proceedings are being held outside the

17 presence of the jury. All parties at trial are

present.

18 Now, let's get right to the
point.

19 MS. SHERRI WALLACE: Your Honor,
the

20 defense counsel saw a copy of this loan at the same
time

21 they were given State's Exhibit 50.

22 THE COURT: All right.

23 MS. SHERRI WALLACE: This loan is
a

24 loan for a vacation that the husband of the
defendant

25 attempted to get days before the offense and was
turned

1 down.

2 MR. DOUGLAS MULDER: Well, big
deal.

3 THE COURT: All right. Thank
you.

4 Then that is what the testimony is going to be?

5 MS. SHERRI WALLACE: It will.

6 THE COURT: All right. Any
questions?

7 MR. DOUGLAS MULDER: Well, any
8 questions of her?

9 THE COURT: Yes, I mean, any
10 objections to make?

11 MR. JOHN HAGLER: Yes, your
Honor, our

12 objection, your Honor, is that it's not relevant
under

13 Rule 401 and it would be confusing and misleading to
the

14 jury. Furthermore, it applies to the defendant's
husband

15 and not herself.

16 THE COURT: All right.

Overruled. I

17 will let the testimony in. You can have a running

18 objection to it.

19

MR. JOHN HAGLER: Okay.

Including a

20 403 ruling, too, your Honor?

21

THE COURT: Yes. I think the

22 probative value outweighs any prejudicial effect.

And I

23 want you to stay on that point, Ms. Wallace.

24

MS. SHERRI WALLACE: I intend to,

your

25 Honor.

Sandra M. Halsey, CSR, Official Court Reporter

2118

1 MR. DOUGLAS MULDER: Judge, this
was

2 so quick, I may have missed the probative value.
Could

3 you tell me what the probative value is?

4 THE COURT: I think it's going to
be

5 more probative value than it is going to be
prejudicial

6 to your client. You are going to have a running
7 objection to this testimony.

8 MR. DOUGLAS MULDER: Well, I
still

9 didn't understand what the probative value was.

10 THE COURT: Well, the probative
value

11 was stated by Ms. Wallace out there. So we are
going to

12 go forward right now.

13 You can have a running objection.

14 Let's bring the jury back in.

15

16 (Whereupon, the jury

17 Was returned to

the

18 Courtroom, and

the

19

Proceedings

were

20

Resumed on the

record,

21

In open court, in

the

22

Presence and

hearing

23

Of the defendant,

24

As follows:).

25

Sandra M. Halsey, CSR, Official Court Reporter

2119

1 THE COURT: All right. Let the
record

2 reflect that all parties in the trial are present and
the

3 jury is seated. Continue.

4

5 BY MS. SHERRI WALLACE:

6 Q. Let's see, Miss Williams, where
were

7 we?

8 On June the 1st, I think you said
it

9 was a Saturday and your bank is open that day. Did
Darin

10 Routier come to the bank to fill out a loan
application

11 on Saturday, June the 1st of 1996?

12 A. Yes.

13 Q. Okay. Who did he speak with?

14 A. Myself.

15 Q. Okay. Did you fill out the loan
16 application?

17 A. I wrote it down as he was giving
me

18 the information.

19 Q. Tell the members, if you would --

20 members of the jury, if you would, if I came in,
or if

21 Mr. Routier came in and got a loan application,
what

22 happens then?

23 A. We fax it to our data entry and
they

24 will input all of the information in the system.

And

25 then, our -- one of our underwriters will determine

1 whether they are going to approve the loan or not.

2 Q. So do you make the decision about
the

3 loan right there at the bank, or does someone else
do it?

4 A. Someone else. Um-hum. (Witness
5 nodding head affirmatively). Our central
underwriting

6 does it.

7 Q. Okay. So after you prepared the
8 application with Mr. Routier, in this case, what did
you

9 do?

10 A. The loan was turned down. So, I
left

11 a message for him to give me a call. And, I think I
12 called him -- I don't know when, exactly. But
Monday I

13 talked to him and we tried to resubmit with
collateral.

14 Q. And, did you try -- you did
resubmit

15 the loan there on Monday?

16 A. Yeah.

17 Q. To go back to the central

underwriter

18 people?

19 A. Yes, the same underwriters.

20 Q. What happened on Monday the 3rd?

21 A. We couldn't use the -- we

couldn't --

22 they denied the loan, because --

23 Q. I'm sorry. They did or did not

deny

24 the loan?

25 A. They denied the loan.

1 Q. Okay. And that was on Monday the
3rd

2 for the second time?

3 A. Yes.

4 Q. What was the amount of that loan?

5 A. It was \$5,000 even.

6

7 MS. SHERRI WALLACE: May I
approach

8 the witness?

9 THE COURT: You may.

10

11 (Whereupon, the following
12 mentioned item was
13 marked for
14 identification only
15 after which time the
16 proceedings were
17 resumed on the record
18 in open court, as
19 follows:)

20

21 BY MS. SHERRI WALLACE:

22 Q. Miss Williams, let me show you
what's

23 been marked for identification as State's Exhibit No.

51.

24 And ask you if you recognize that?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

2122

1 Q. What is it?

2 A. It's a loan application along with
the
3 worksheet, whether it's been approved or not.

4 Q. Are these, is State's Exhibit 51
the
5 record for Darin Routier's loan, or attempted loan in
6 June of '96?

7 A. Yes.

8 Q. Okay. And, do you -- you, as an
9 employee of the bank, are these records kept in the
10 normal course of business?

11 A. Yes.

12 Q. Okay. Are they kept on a day-to-
day,
13 week-to-week, and month-to-month basis?

14 A. Yes.

15 Q. Okay. And, do you have care,
custody
16 and control of these documents?

17 A. Yes.

18

19 MS. WALLACE: We will offer
State's

20 Exhibit No. 51 into evidence, and tender a copy to
the

21 defense counsel, they have one but here is the
original.

22 MR. MULDER: We just have a copy
of
23 it. It's not real clear.

24 MR. RICHARD C. MOSTY: I
understand,
25 the Court has already ruled on this?

Sandra M. Halsey, CSR, Official Court Reporter

2123

1 THE COURT: Yes, we already
have.

2 Thank you.

3 MR. DOUGLAS MULDER: Judge, we
have

4 already voiced our objection.

5 THE COURT: All right. Thank
you.

6 State's Exhibit No. 51 is admitted.

7

8 (Whereupon, the item
9 Heretofore mentioned
10 Was received in
evidence

11 As State's Exhibit
No. 51

12 For all purposes,
13 After which time, the
14 Proceedings were
resumed

15 As follows:)

16

17 BY MS. SHERRI WALLACE:

18 Q. Miss Williams, using this
document to

19 refresh your recollection, you can take it.

What's the

20 reason for the \$5,000 loan?

21 A. When he first came in, he

mentioned

22 that --

23

24 MR. JOHN HAGLER: Excuse me.

I would

25 object to any hearsay statements by Darin
Routier.

Sandra M. Halsey, CSR, Official Court
Reporter

2124

1 THE COURT: All right. Let's
rephrase

2 the question. Let's phrase our questions
properly,

3 please.

4

5 BY MS. SHERRI WALLACE:

6 Q. You can't get into what he
said. Just

7 what did you put down as the reason for the
\$5,000 loan

8 on the application?

9 A. Vacation.

10 Q. Okay. And, do you remember
about what

11 time he came in, Miss Williams, that day?

12 A. It was before noon.

13 Q. Okay.

14 A. Yeah. Before noon.

15 Q. Okay. On the second sheet of
State's

16 Exhibit No. 1 (sic), do you have indicated on
there what

17 time that loan was turned down that day?

18 A. It looks like about 11:47, but
I'm not

19 quite certain exactly what time.

20 Q. Did Mr. Routier wait in the
bank to

21 see if he got the loan or not?

22 A. No. He left after he signed
the loan

23 application.

24 Q. Did you speak to him that day,
that

25 Saturday?

Sandra M. Halsey, CSR, Official Court
Reporter

2125

1 A. No.

2 Q. What did you do after you
received

3 that fax that he was turned down?

4 A. I'm not quite certain if I
left a

5 message on Saturday or Monday. I'm not quite
certain

6 about that.

7 Q. But did you talk to him on
Monday?

8 A. Yes.

9 Q.
Okay. What did you tell

him at that

10 point?

11 A. I
told him I was sorry but

the loan

12 was turned down.

13 Q.

Miss Williams, you
cannot get into

14 what he said, but

what was his tone with

you?

15

16

MR. RICHARD C. MOSTY:

That is

17 speculation, your

Honor.

18

THE COURT: I'll sustain

the

19 objection.

20

THE WITNESS: His voice.

21

THE COURT: Just a

minute, ma'am. The

22 way we do it down

here, when I sustain an

objection, you

23 have to wait for the

next question.

24

THE WITNESS: Oh, I'm

sorry.

25

THE COURT: Don't worry
about a thing.

Sandra M.
Halsey, CSR, Official
Court Reporter

2126

1 Now, they will ask
you another question, and
then they

2 are going to ask you
some questions.

3

THE WITNESS: Okay.

4

THE COURT: All right.

Go ahead.

5

6 BY MS. SHERRI

WALLACE:

7 Q.

Miss Williams, was he
happy about

8 being turned down?

9

10

MR. RICHARD C. MOSTY:

Speculation.

11

THE COURT: I'll sustain
the

12 objection.

13

MS. SHERRI WALLACE:

Your Honor, she

14 talked --

15

MR. RICHARD C. MOSTY:

Your Honor, are

16 we going to argue

this out in front of the

Court?

17

THE COURT: We're not
going to argue

18 it. We are just

going to -- just ask the

next question.

19

20 BY MS. SHERRI

WALLACE:

21 Q.

Miss Williams, did you
tell him the

22 reason he was turned
down?

23 A.

Yes.

24 Q.

Okay. And, were those -
- is that
25 contained on State's
Exhibit No. 51?

Sandra M.
Halsey, CSR, Official
Court Reporter

2127

1 A.

Yes.

2 Q.

Okay.

3

4 (Whereupon, the

following

5 mentioned item was

6 marked for

7 identification only

8 after which time the

9 proceedings were

10 resumed on the record

11 in open court, as

12 follows:)

13

14 BY MS. SHERRI WALLACE:

15 Q. Let me show you what's been marked

for

16 identification as State's Exhibit No. 51-A. Is this

a

17 code from your bank of those reasons?

18 A. Yes.

19 Q. Okay. If you could look at

State's

20 Exhibit 51-A to refresh your recollection. Tell the

21 members of the jury the reason Mr. Routier was turned
22 down for his loan.

23

24 MR. RICHARD C. MOSTY: Your Honor,
25 before we start referring to documents, we need to
see

2128 Sandra M. Halsey, CSR, Official Court Reporter

1 the document.

2 THE COURT: All right. If you
could

3 show that to the defense, please.

4 MS. SHERRI WALLACE: Yes, sir.

5 MR. RICHARD C. MOSTY: Thank you.

6 MS. SHERRI WALLACE: May I
proceed,

7 your Honor?

8 THE COURT: You may.

9

10 BY MS. SHERRI WALLACE:

11 Q. Miss Williams, referring to 51-A,
12 could you tell the jury why Mr. Routier was turned
down

13 for this \$5,000 loan?

14 A. All four of them?

15 Q. Please.

16 A. Okay. Excessive obligation in
17 relation to income; an excessive amount owed on
revolving

18 accounts; and too many new accounts; and delinquent,
past

19 or present credit obligations with others.

20 Q. Miss Routier (sic), after you gave
him

21 that information -- excuse me.

22 Miss Williams, after you gave Mr.

23 Routier that information, you said that he wanted to

try

24 additional collateral and resubmit the loan; is that

25 correct?

Sandra M. Halsey, CSR, Official Court Reporter

2129

1 A. Yes.

2 Q. From his request, did you resubmit
the

3 loan with the underwriters?

4 A. Yes.

5 Q. And, what happened that time?

6 A. It was turned down and they -- oh.

7 Q. What were you going to say, Miss
8 Williams?

9 A. The only way that they will
approve

10 the loan was if it was CD secured.

11 Q. Okay. And he didn't have that CD
or

12 money available? Or he didn't offer that to you, did
he?

13 A. No.

14 Q. Okay. When did you give him this
15 information about it being turned down for the
second

16 time?

17 A. I'm not quite certain, but it
could

18 have been Monday or Tuesday.

19 Q. Tuesday being June the 4th of

1996?

20 A. Yes. Um-hum. (Witness nodding
head

21 affirmatively).

22 Q. Okay.

23

24 MS. SHERRI WALLACE: We will pass

the

25 witness.

Sandra M. Halsey, CSR, Official Court Reporter

2130

1 THE COURT: Mr. Mulder.

2

3 CROSS EXAMINATION

4

5 BY MR. DOUGLAS MULDER:

6 Q. Miss Williams, you have some code
up
7 there or something?

8 A. Yes, sir.

9 Q. Okay. That you are referring to?

10 A. Yes.

11 Q. And this is a -- I guess you can
just

12 put the number on someone's loan application so you
don't

13 have to put out the whole reason. Is that the way it
14 works?

15 A. The underwriters will put the code
in,
16 to let us know why they are denying the loan.

17 Q. Okay. When you say "underwriters"
18 this isn't a Texas -- Bank One is -- in fact, none of
the

19 banks up in Dallas are Texas owned, are they?

20 A. Pardon?

21 Q. North Carolina and we've got, I
think

22 Bank One is up in Ohio, isn't it? Folks up in Ohio
own

23 Bank One?

24 A. Yes, sir.

25 Q. Okay. And this looks to me like
this

Sandra M. Halsey, CSR, Official Court Reporter

2131

1 is a codified deal where you have got 40 reasons that
you

2 turn down loans, but you are able to -- is this it?

Am I

3 reading that right?

4 A. Yes, sir.

5 Q. Insufficient real estate equity,

6 customer withdrew application, excessive credit
bureau

7 inquiries, but they are listed, all the reasons that
you

8 turn down loans are listed from 1 to 40, are they
not?

9 A. Yes, sir.

10 Q. Okay. And, I guess, you-all
finally

11 decided that if you wanted to loan him \$5,000 for a
12 vacation, he would have to put up a certificate of
13 deposit; is that right?

14 A. No, sir, not necessarily. If
they

15 have a good credit history. I do not approve the
loan,

16 but normally if they have a good credit history,
they

17 will determine whether they are going to approve the
loan

18 or not.

19 We don't have control over that.

20 Q. Well, I know you obviously
recommended

21 it, or you wouldn't have sent it on; is that right?

22 A. I don't recommend anything.

23 Q. Okay.

24 A. If the customer comes in, we
cannot

25 deny any customers. If that is what they want to
do, we

1 have to do it.

2 Q. If they fill out an application,
you

3 have got to send it on?

4 A. Exactly.

5 Q. Okay. And you send it up to the
6 people up in Ohio?

7 A. No, sir.

8 Q. Okay.

9 A. They have a centralized location
in
10 the Dallas area. I don't know exactly where.

11 Q. Okay.

12 A. But we fax it to the certain fax
13 number, which is data entry.

14 Q. So you don't where the people are
that
15 are making the comments?

16 A. In Dallas.

17 Q. All right. Okay. You fax it
over to

18 them, the application?

19 A. Yes, sir.

20 Q. And they fax you back an answer?

21 A. No, they don't. They input the

22 information as it is written on the loan
application, and
23 then one of our central underwriters, they will
review
24 them. And then they will let us know whether it's
been
25 approved or not, and they will fax us the worksheet.

Sandra M. Halsey, CSR, Official Court Reporter

2133

1 Q. Okay. So they faxed you back a
2 worksheet and showed you that this was not -- had
not
3 been approved?

4 A. Denied.

5 Q. Denied? Okay. And suggested
that if
6 he wanted a loan, he would have to put up some CD's.
7 Isn't that what it says?

8 A. No. Normally, we tell the
customer
9 that it's denied. At that time, they will try to
get a
10 loan using their collateral as a -- I mean, using
their
11 vehicle or whatever as a collateral. But, in this
case,
12 they denied the loan.

13 Q. Okay. On the copy I have got, it
14 says: "Attention: Okie. Customer does not qualify
for
15 loan at Bank One unless it is CD secured."

16 A. That is the second time. When I
17 resubmitted it at that time, that same underwriter
said,

18 "Okie, this is the only way we can approve the
loan."

19 Q. He would have to put up a \$5,000
CD,
20 and in effect, borrow his own money back from you-
all.

21 Is that the way it works?

22 A. Well, that depends on his credit
23 history, yes.

24 Q. Okay. But in this case, what you
25 wanted him to do was put up a \$5,000 CD, and then
borrow

1 that money back from you-all?

2 A. Yeah.

3 Q. Okay. That is -- what -- if he
did

4 that, what would you charge him? Probably 5 or 6
percent

5 interest?

6

7 MS. SHERRI WALLACE: I will
object to

8 relevance.

9 THE COURT: Overruled.
10

11 BY MR. DOUGLAS MULDER:

12 Q. What would you charge him on a
little

13 old --

14 A. If it's a \$5,000 it would be 10
15 percent, at the time it was 10 percent -- I'm not
quite

16 sure, but I think it was 10 percent.

17 Q. What does that mean? (Pointing
to
18 exhibit).

19 A. Oh, that doesn't mean a thing.

20 Q. 16 percent doesn't mean anything?

21 A. No, sir. This is a denied loan,

so

22 always there is 16 percent, but when the loan is

23 approved, using \$5,000 CD as a collateral, then the

loan

24 rate will be changed to 10 percent at that time, if

I am

25 not mistaken.

Sandra M. Halsey, CSR, Official Court Reporter

2135

1 Q. Okay. So if he -- what you were
2 telling -- what the folks from Ohio, what their
policy

3 is --

4 A. Not Ohio.

5 Q. Well, that's where it's owned,
isn't

6 it?

7 A. I understand that, but I'm
dealing

8 with Dallas, so --

9 Q. I understand.

10 A. So, we'll leave them out.

11 Q. But, they answer to the folks up
in

12 Ohio, don't they?

13 A. In my understanding, I think,
directly

14 in the Dallas area.

15 Q. All right. But at any rate, the
16 chairman of the board, or whoever is running Bank
One,

17 his policy was, that in this case, if he wanted to
borrow

18 five thousand, he could bring in a \$5,000

certificate of

19 deposit, and the bank would loan him that five
thousand,

20 and they would reduce the rate from 16 percent down
to 10

21 percent; is that right?

22 A. Because it's secured.

23 Q. Well, yes.

24 A. If it's unsecured, the rate will

be a

25 little bit higher. That is just common sense.

1 Q. Well, no, I understand that. So
that
2 is kind of a can't lose. That's the kind of a deal
that
3 we all like, isn't it? Except the guy who is
borrowing
4 it.

5 A. If they have a past credit
history,
6 there is no reason to put up a CD as a collateral.

7 Q. Okay. Thank you.

8 A. But if it's necessary then, they
want
9 some kind of collateral.

10 Q. What were you paying on your CDs,
just
11 out of curiosity, back then, was it less than 3
percent?

12

13 MS. SHERRI WALLACE: I'll object
to
14 relevance.

15 THE COURT: Overruled. If she
knows,
16 I'll let her answer.

17 THE WITNESS: Well, at the time,
it
18 depends on the terms. It depends on the terms.
It's
19 different.

20

21 BY MR. DOUGLAS MULDER:

22 Q. Okay.

23 A. So I don't know what kind of
term that

24 you want to know.

25 Q. Say a 12 month CD.

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1 A. One year CD? Okay. About, I'm
not

2 quite certain, but I'm just guessing, about 4.500,
4.7.

3 If it was a promotion, it would have
been higher, about 5

4 percent.

5 Q. Okay. So you-all
make 5 percent on a

6 deal like that without any risks,
right?

7 A. I don't make any.

8 Q. No, I understand.

9 MR. DOUGLAS MULDER:

That's all we

10 have got. Thank you.

11 THE COURT: All

right. Any further

12 questions?

13 MR. DOUGLAS MULDER:

One last thing.

14

15 BY MR. DOUGLAS MULDER:

16 Q. You never talked to
Darlie, did you?

17 A. Well --

18 Q. About this
particular transaction?

19 A. No, sir.

20 Q. You don't even know
that she knew

21 anything about it, do you?

22 A. I only saw Darin
and I have not seen

23 Darlie at that time.

24 Q. Okay.

25

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Court Reporter

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1 MR. DOUGLAS MULDER:
Thanks. That's

2 all.

3 MS. SHERRI WALLACE:
Nothing further.

4 THE COURT: All
right. Ma'am, you are
5 under what is called the Rule of
Evidence. What that
6 means is, when you are not testifying,
you have to stay
7 outside of the courtroom. Don't talk
about your
8 testimony with anybody who has
testified. In other
9 words, don't compare it.

10 You may talk to the
attorneys for
11 either side. If someone tries to talk
to you about your
12 testimony, tell the attorney for the
side who called you.

13 You will be free to
return to Dallas
14 now, and subject to recall. Thank you
for coming.

15 THE WITNESS: Thank
you.

16 THE COURT: You
bet. Now, watch your
17 step getting down there. There is a
big step down.

18 Thank you.

19 Your next witness.

20 MR. GREG DAVIS:

The State calls James

21 Cron.

22 THE COURT: James

Cron. If you will

23 raise your right hand, please, sir.

24 THE WITNESS: Yes,

sir.

25

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Court Reporter

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1
witness

(Whereupon, the

2
the

Was duly sworn by

3
truth,

Court, to speak the

4

The whole truth and

5

Nothing but the truth,

6

After which, the

7

Proceedings were

8

Resumed as follows:)

9

10
or

THE COURT: Do you solemnly swear

11 affirm that the testimony you are about to give will
be

12 the truth, the whole truth and nothing but the
truth, so

13 help you God?

14

THE WITNESS: I do.

15

here.

THE COURT: Have a seat right

16 You have testified many times before, is that not
so?

17

THE WITNESS: Yes.

18

THE COURT: You understand the

Rule of

19 Evidence regarding witnesses?

20 THE WITNESS: I do.

21 THE COURT: All right. You are
under

22 it now. Thank you. Be seated please.

23 All right. Mr. Davis.

24 MR. GREG DAVIS: Thank you,

Judge.

25

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1 Whereupon,

2

3 JAMES CRON,

4

5 Was called as a witness, for the State of Texas,
having

6 been first duly sworn by the Court to speak the
truth,

7 the whole truth, and nothing but the truth,
testified in

8 open court, as follows:

9

10 DIRECT EXAMINATION

11

12 BY MR. GREG DAVIS:

13 Q. Sir, would you please tell us
your

14 full name.

15 A. James Cron.

16 Q. Spell your last name.

17 A. C-r-o-n.

18 Q. Mr. Cron, you live in Dallas
County?

19 A. Yes.

20 Q. Okay. How are you employed at
this

21 time?

22 A. I'm a consultant in the field of
crime

23 scene search, fingerprints and physical evidence.

24 Q. All right. Recently, within the
last

25 few years, have you been retired from the Dallas

Sandra M. Halsey, CSR, Official Court Reporter

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1 Sheriff's Department?

2 A. Yes.

3 Q. Okay. And how long were you with
the

4 Dallas Sheriff's Department?

5 A. 29 years.

6 Q. Okay. And before the Dallas
Sheriff's

7 Department, were you employed in law enforcement?

8 A. Yes.

9 Q. And, where were you employed?

10 A. As a civilian employee with the
Dallas

11 Police Department.

12 Q. All right. Let's start with the
13 Dallas Police Department first. What were your
duties

14 while you were with the Dallas Police Department?

15 A. Well, in 1958, I joined the Dallas
16 Police Department as a civilian employee in the
crime

17 scene search section. And my duties involved
clerical

18 work, and assisting in processing evidence. And I

19 learned, at that time, some of the officers taught

me

20 crime scene investigation and photography.

21 Q. All right. How long were you with

the

22 Dallas Police Department?

23 A. Six years.

24 Q. Okay. So when did you start with

the

25 Sheriff's Department in Dallas?

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1 A. 1964.

2 Q. Okay. What were your duties with
the

3 Dallas Sheriff's Department?

4 A. In 1964, when I joined the Dallas
5 Sheriff's Department, it was as a deputy sheriff
assigned

6 to the identification bureau. My duties involved the
7 keeper of the fingerprint files, and the crime
scene

8 search investigations.

9 Q. Okay. You were talking about
the

10 identification bureau, do they deal with
fingerprints?

11 A. Yes.

12 Q. Okay. For instance, would they
deal

13 with inmates' fingerprints, of people in the Dallas
14 County jail, for instance?

15 A. Yes.

16 Q. You also mentioned that you were
with

17 the crime scene department there at the Sheriff's
18 department, what were your duties with that section?

19 A. Well, in the identification
bureau,
20 part of the duties involved not only keeper of the
21 fingerprint records of the inmates, but it was
crime
22 scene investigation.
23 In 1972, I was promoted to
sergeant
24 and told to create a separate section that devoted
all of
25 it's time to crime scene search activity, and that
was

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1 the physical evidence section. I remained
commander of

2 it for 21 years. During that time, I was promoted
to

3 lieutenant. But I was commander of the physical
evidence

4 section for 21 years. And I retired in '93 as a
5 lieutenant of that section.

6 Q. Okay. In 1993, were you still
the

7 commander of the physical evidence section at that
time?

8 A. Yes. I was its only commander
from

9 the time it was formed in 1972 until the time I
retired.

10 Q. Okay. The total number of years
now

11 that you have been in law enforcement, doing crime
scene

12 work, and dealing with fingerprints, et cetera, how
many

13 years?

14 A. 39 years. Counting my
consulting time

15 which I devote to crime scene search matters.

16 Q. Are you a member at this present
time

17 of any professional associations or societies?

18 A. Yes.

19 Q. What associations or societies
are you

20 presently a member of?

21 A. I assume you're talking about
those

22 that deal with the crime scene search matters?

23 Q. Yes, sir.

24 A. International Association for
25 Identification, and the Texas Division of the

1 International Association for Identification.

2 Q. What is the Society for
3 Identification? What is that?

4 A. It's an international society of
5 people in the profession of physical -- in dealing
with

6 physical evidence, and forensic sciences, any
aspect of

7 crime scene investigation.

8 Q. Okay. In the past, have you
been a

9 member of any other societies or associations
dealing

10 with that area?

11 A. Yes.

12 Q. Could you just name a few of
those for

13 us, please?

14 A. International Association for
15 Bloodstain Analysts, the Homicide Investigator,
16 Association of Homicide Investigators of Texas,
that's

17 two of them.

18 Q. Okay. Can you give us a brief
19 overview of the training, either through

universities or

20 the like or other police agencies that you have
received

21 in crime scene reconstruction, fingerprints, the
area

22 that you are now a consultant in?

23 A. Yes. In addition to my 39 years

24 beginning in '58 at the Police Department in Dallas

and

25 the Sheriff's Department in the consulting business,
I

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1 have attended numerous schools, dealing with
physical

2 evidence and latent print subjects.

3 Some of them being at the FBI
Academy

4 in Quantico, Virginia, Burlington County College in
New

5 Jersey, Toronto, Canada Police Department, regional
6 police academies and sheriff's departments academies
in

7 the State of Texas, Council of Government in
Arlington,

8 Texas, which is a North Central Texas area training
9 academy.

10 I have attended courses put on by
the

11 Northwestern University out of Illinois, the National
Law

12 Enforcement Institute. And, well, that is the
primary

13 courses.

14 And I did mention, I believe, that
15 these courses involved crime scene search
procedures,

16 latent print development and comparison, photography
and

17 matching of physical evidence.

18 I now teach in the subject of
crime

19 scene search, latent print development and
comparison,

20 and crime scene search procedures in general.

21 Some of the places I have taught
or

22 still teach at are SMU, Texas A & M, Dallas Baptist
23 University, Texas Women's University in Denton,
Dallas

24 County Community College District, local sheriff's
25 departments, in the Dallas, I mean in Texas, and
police

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1 departments. I have taught at Tacoma, Washington,
2 Denver, Colorado Police Department, and, just --
Navarro

3 County Junior College in those areas.

4 I have had material written, or
5 published that I have written on the subject of
evidence,

6 photography, laser usage in law enforcement, and
ethics

7 of law enforcement consultants.

8 These have been published in
technical

9 journals, some of them being the Fingerprint
10 Identification magazine, the Journal for Forensic
11 Identification.

12 I have received, approximately,
150

13 awards and commendations through my career. And
when I

14 retired I received the Governor's Law Enforcement
15 Achievement Award for excellence in my field of law
16 enforcement.

17 I am now chairman of -- well, not
18 chairman, I am a member of the Committee for Crime
Scene

19 Certification in Texas. I have been Chairman of the
20 Latent Prints Certification Committee. I was on
that
21 committee for three years in Texas.

22 Q. Okay. You talked about your
23 certification in crime scene search, and also in
latent

24 fingerprint identification. Are there certain
25 certificates that you now hold in your specialties?

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1 A. Yes.

2 Q. Okay. What certificates do you
3 presently hold?

4 A. I am a certified latent print
examiner

5 and a certified senior crime scene analyst.

6 Q. Okay. With regards to the latent
7 fingerprint identification, what sort of
requirements do

8 you have to meet to become certified, as you are?

9 A. On latent prints?

10 Q. Yes, sir.

11 A. On the latent print when there is

--

12 it's a several part test, some of it is involving
13 comparing unknown prints with known prints. There's
very

14 little margin for error. They have changed the test
15 somewhat now. I believe you can miss two out of
ten,

16 there is a written test, an oral exam, and a mock
trial.

17 And a background check, too, of the committee to see
if

18 the people are qualified, and their other schooling
fits

19 our criteria.

20 Q. What other certifications do you
hold?

21 A. The senior crime scene analyst.

22 Q. Okay. Is there any level higher
than

23 a senior crime scene analyst in that particular
field?

24 A. No. Not from the International
25 Association of Identification which issues the

1 certification?

2 Q. Mr. Cron, in your 39 years, have
you

3 had occasion to go out and investigate crime scenes
and

4 process crime scenes?

5 A. Yes.

6 Q. This may be a hard question. You
got

7 any ball park figure of the number of crime scenes
that

8 you have gone out to in 39 years?

9 A. Yes. I was asked that in another
case

10 and I have some -- and had done some research on
that.

11 And counting civil cases and crime scene cases, all
cases

12 I have been involved in the last 38 years, 39 years,
is

13 approximately 21,000.

14 Q. Okay. And of the 21,000 crime
scenes,

15 do you know about how many of those would deal with
death

16 cases?

17 A. With deaths, it was approximately
18 4,300.

19 Q. Okay. And included in those death
20 cases, would there be homicides?

21 A. Yes, all deaths, homicides are
some of
22 them.

23 Q. Okay. Just a couple of things.
24 Before we came down here to Kerrville, did you and I
--
25 had we had occasion to talk about this case before?

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1 A. Yes.

2 Q. Both in person and over the
telephone,

3 we have talked, haven't we?

4 A. Yes.

5 Q. Have I met you at my office on
some

6 occasions?

7 A. Yes.

8 Q. Have we ever met together out at
5801

9 Eagle Drive?

10 A. Once.

11 Q. Okay. Since we have been down
here in

12 Kerrville, have we talked about your testimony and
about

13 the case?

14 A. Yes.

15 Q. Okay. By the way, are you being
paid

16 to testify in this case, Mr. Cron?

17 A. No.

18 Q. How long have you had to be down
here

19 in Kerrville?

20 A. I came down last Tuesday, flew
back

21 Friday night, came back Sunday, so, going on two
weeks.

22 Q. All right. Well, let me, if I
can,

23 let's go here to June the 6th of 1996. Let me ask
you

24 whether sometime early in the morning on June 6th,
1996,

25 if you received a call from the dispatcher for the

1 Rowlett Police
Department?

2 A. I
did.

3 Q. Okay. And do you remember about
what
4 time it was that you were called?

5 A. Yes, around 5:00 A.M.

6 Q. Okay. And how far away from
Rowlett

7 do you live?

8 A. I never did -- it's about a 15
minute
9 drive.

10 Q. You live in, generally, the same
area,
11 the northeastern part of Dallas County, right?

12 A. Yes.

13 Q. Okay. What information were you
given

14 when you were called by the dispatcher? What did you
15 understand that she wanted you to do?

16 A. The dispatcher didn't relay much
17 information, just said that the crime scene officers
from

18 Rowlett asked if I would meet them on Eagle Drive.

They

19 had a homicide investigation that they would like my

20 assistance on.

21 Q. Okay. Had you had some prior

22 association with the Rowlett Police Department prior

to

23 June 6, of 1996?

24 A. Yes, over the past 15 or 20 years.

25 Q. Okay. I guess just trying to

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1 understand why they called you. Can you tell us a
little

2 bit about how you had been associated with Rowlett
prior

3 to that date?

4 A. Well, through the sheriff's office
5 physical evidence section I dealt with them for many
6 years. Since I retired, from '93, I have conducted
three

7 different schools there for their officers.

8 Q. Okay. Did you go out to 5801
Eagle

9 Drive in Rowlett?

10 A. Yes.

11 Q. Do you know about what time that
you

12 arrived at the scene, sir?

13 A. Yes, it was about, approximately
5:45.

14 Q. All right. And, when you got
there

15 did you meet with anyone?

16 A. Yes.

17 Q. Do you recall who you met with
first?

18 A. Sergeant Nabors, Officer Mayne,

and

19 Sergeant Matt Walling.

20 Q. Where did you meet these people?

21 A. Well, they came towards my car

when I

22 pulled up. It was on the street, at my car.

23 Q. Okay. What was the condition of

the

24 crime scene when you got there at 5:45 or 6:00 that

25 morning?

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1 A. The exterior?

2 Q. Yes, sir.

3 A. Oh, there was a barrier tape
around

4 the perimeter.

5 Q. All right. When you first talked
with

6 David Mayne, Matt Walling and David Nabors, were you
7 still outside the taped area?

8 A. Yes.

9 Q. Did you remain outside the taped
area
10 or did you move inside at some point?

11 A. We eventually moved inside.

12 Q. Did you continue talking with
them?

13 A. Yes.

14 Q. In general, what types of things
were

15 you talking with these gentlemen about?

16 A. Well, I asked them, you know, what
17 type of situation did they have. I mean, I was
informed

18 it was a homicide, and I asked them how many bodies,
and

19 did it occur inside or outside the house.

20

21 MR. JOHN HAGLER: Your Honor, we
would

22 object to any hearsay statements of this witness
under

23 Rule 802.

24 THE COURT: Well, I'll sustain
that.

25 Just say what you said.

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1 MR. GREG DAVIS: Well, this
witness is

2 testifying -- I asked him what he said.

3 THE COURT: Well, we understand
that.

4 I'm sure that is just a precautionary objection.

5

6 BY MR. GREG DAVIS:

7 Q. Mr. Cron, again, you can relate to
us

8 what you may have said to these officers, don't
relate

9 back what they said. But were you asking questions
of
10 them?

11 A. Yes.

12 Q. What types of questions did you
ask

13 them out there that morning?

14 A. I asked them -- I needed to know
what

15 areas would I need to be looking at concerning the
16 evidence. I need to know if it was inside or
outside or

17 a combination of both at the scene, how many

victims. I

18 knew it was two stories, so I needed to know what
was

19 upstairs and downstairs.

20 Q. Did you have a chance to talk
21 specifically with Sergeant Matt Walling, ask him
22 questions also?

23 A. I did.

24 Q. Okay. And, again, these
25 conversations, are they still being held outside the

1 house at this point?

2 A. It was a running conversation,
but,

3 yes, at that point it was outside.

4 Q. Okay. And, did you have some
purpose

5 in talking with these officers? Did you plan to do
6 something after you spoke with them?

7 A. Yes.

8 Q. And what did you plan to do after
you

9 finished speaking with them?

10 A. To inspect or walk through the
scene.

11 Q. Okay. Inside 5801 Eagle?

12 A. Yes.

13 Q. Okay. Can you tell the members
of the

14 jury, what is the purpose of walking through a crime
15 scene?

16 A. To -- well, to get a game plan
17 organized, to see, do a visual inspection, not
really

18 doing anything but visually inspecting the crime
scene to

19 determine what action, what equipment you need.

And,

20 well, that is basically it, have a game plan to
collect

21 and process it properly.

22 Q. Did you feel that it was

necessary to

23 talk with the officers there before you came up with
your

24 game plan?

25 A. Oh, yes.

1 Q. Necessary to get information back
from
2 them?

3 A. Yes.

4 Q. Do you recall what time it was
that
5 you actually began walking through this crime scene?

6 A. It was -- there was an officer
logging
7 in the time, but my recollection is, it was 6:10 or
6:11,
8 right in there.

9 Q. All right. Did you, in fact,
enter
10 into the house?

11 A. Yes.

12 Q. Okay. Who did you go into the
house
13 with?

14 A. Sergeant Walling, Matt Walling
and
15 Mayne, David Mayne.

16 Q. Okay. Before you actually went
into
17 the house, did you see anything at the front of the

house

18 that caught your attention that you made a mental
note

19 of?

20 A. Well, the only thing that was
unusual

21 would be the front porch where there was some blood.

And

22 it looked like medical, you know, I'm trying to
think of

23 the word, tape and medical supplies.

24 Q. Okay. Let me see if I can get a
25 photograph and have you look at it, Mr. Cron. If
you

1 will look at State's Exhibit 24, do you recognize
what's

2 depicted in that photograph, sir?

3 A. Yes.

4 Q. Okay. What is depicted in
State's

5 Exhibit No. 24?

6 A. A bloody rag or cloth.

7 Q. Okay. Were these items still in
the

8 same position when you went into the house as they
are

9 shown here in State's Exhibit No. 24?

10 A. Yes.

11 Q. Anything else that you noticed
there

12 on the front porch, before you went inside the
house?

13 A. Not anything outstanding.

14 Q. All right. Where did you go to
next

15 once you went inside the house?

16 A. I went into the foyer and leading
into

17 the hallway to go to the rear of the house.

18 Q. All right. And what did you and
the

19 other three officers do once you went into the foyer?

20 A. It was strictly for observation
21 purposes. I just looked at the floor, the walls,
the

22 ceiling, and the adjacent rooms to the left and
right.

23 Q. Okay. Did you have a chance to
look

24 into the living room which is to the left?

25 A. Yes.

1 Q. Did you notice anything unusual
when

2 you looked inside the living room?

3 A. Nothing unusual. I was looking
for

4 the unusual and I didn't see anything.

5 Q. What sorts of things were you
looking

6 for when you looked in the living room?

7 A. Well, the obvious thing, of
course,

8 what I was looking for at first was blood. Or what
9 appeared to be blood.

10 Q. Didn't see any blood in the
living

11 room?

12 A. No.

13 Q. How about in the entryway and the
14 hallway?

15 A. There was blood in the entryway
and

16 hallway.

17 Q. All right. What did you do once
you

18 observed the entryway and the hallway, what did you

do?

19 A. Continued on down the hallway to
the
20 place, what would be called the family room or den
and
21 kitchen.

22 Q. Okay. And when you got to the
family
23 room, what is it that you did at that point?

24 A. Observed, saw -- you want me to
tell
25 you what I saw?

1 Q. Yes, sir.

2 A. There was several
areas on the carpet

3 that had excessive amounts of blood.
There was a dead

4 child in the back part of the room.
And the coffee table

5 was sort of knocked ajar, and that
was it. And, blood.

6 I didn't do a detailed, hands-on
examination at that

7 point.

8 Q. Okay. Well, as
you are doing this

9 walk-through, is the purpose of this
walk-through to

10 collect, or to touch, or move
evidence?

11 A. No.

12 Q. Okay. Are you
simply observing at

13 this point?

14 A. Yes.

15 Q. The other three
officers with you, are

16 they still with you observing like
you are?

17 A. Yes.

18 Q. You had mentioned
when you went inside

19 the family room that you noticed a
flower arrangement; is

20 that correct?

21 A. Well, there was a
coffee table, and

22 yes, it had a flower arrangement on
top of it.

23 Q. Okay.

24

25 (Whereupon, the
following

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Court Reporter

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1 mentioned items
were
2 marked for
3 identification
only
4 after which time
the
5 proceedings were
6 resumed on the
record
7 in open court,
as
8 follows:)

9
10 BY MR. GREG DAVIS:

11 Q. Let me ask you,
Mr. Cron, if you will
12 please look at State's Exhibit 47-A
and 47-B. First of
13 all, 47-A does that truly and
accurately depict a portion
14 of the family room as it appeared
when you walked through
15 there on June 6th, 1996?

16 A. Yes.

17 Q. State's Exhibit

47-B, do you recognize
18 that picture also? Does it truly
and accurately depict
19 that portion of the family room as
it appeared on June
20 6th, 1996?

21 A. Yes.

22 MR. GREG DAVIS:
Your Honor, at this
23 time we will offer State's Exhibit
47-A and 47-B.

24 MR. RICHARD C.

MOSTY: No objection.

25 THE COURT:
State's Exhibit 47-A and

1 47-B are admitted.

2

3 (Whereupon, the
above

4 Mentioned items
were

5 Received in
evidence

6 As State's
Exhibit

7 Nos. 47-A and 47-B,
8 For all purposes,

after

9 Which time, the
10 Proceedings were
11 Resumed in open court,
12 As follows:)

13

14 BY MR. GREG DAVIS:

15 Q. Mr. Cron, looking at the flower
16 arrangement shown in State's Exhibit No. 47-A, did
you

17 see that when you walked in there that morning,
sir?

18 A. Yes.

19 Q. Did you have an opportunity to
20 visually inspect that flower arrangement?

21 A. Yes.

22 Q. Did you also have a chance to
look at
23 the glass table that the vase and the flowers were
on?

24 A. I did.

25 Q. Okay. Now, when you had an

1 opportunity to look at this flower arrangement, sir,
did

2 you inspect it to determine whether or not you could
see

3 any blood on any of the floral arrangement itself?

4 A. Some of my inspection and closer
5 inspection of it came after the initial walk-
through.

6 But, yes, I did inspect it.

7 Q. Okay. Let me ask you: Were you
able

8 to see any blood on the flower arrangement itself?

9 A. No.

10 Q. Okay. How about the flowers, the
11 stems or any of the leaves here, did you inspect
it to

12 determine whether or not any of the flowers or any
of the

13 other elements of the flower arrangement had been
broken?

14 A. I did.

15 Q. And, was anything broken on
this

16 flower arrangement, sir?

17 A. I couldn't see any broken

parts.

18 Q. Did you have a chance to look
at the
19 vase, also?

20 A. Yes.

21 Q. Did you try to determine
whether or
22 not you could see any blood on the vase?

23 A. I did.

24 Q. And what was the result?

25 A. It was negative. I didn't see
any

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Reporter

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1 blood.

2 Q. Okay. How about the vase
itself?

3 Could you see any evidence that it was broken,
chipped or

4 damaged in any way when you saw it on June 6th,
1996?

5 A. No, it appeared to be intact.

6 Q. Okay. Let me ask you about the
glass

7 top, the area surrounding the flower arrangement.
Did

8 you look at the area to determine whether or not
you

9 could see any sort of cracks or breaks or defects
in the

10 glass anywhere around this flower arrangement,
sir?

11 A. Yes.

12 Q. Okay. Any chips perhaps out of
it?

13 Did you look for those, also?

14 A. I did.

15 Q. Sir, could you see any damage
16 whatsoever to the top portion of that glass top
when you

17 looked at it on June 6th, 1996?

18 A. No.

19 Q. The items shown in State's
Exhibit

20 47-B, do you recognize that?

21 A. Yes.

22 Q. What is that?

23 A. It's a standing lamp with the
shade

24 partially down.

25 Q. Okay. Let me ask you: First
of all,

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1 did you inspect the lamp shade itself to determine
2 whether or not there was any blood on the lamp
shade?

3 A. Yes.

4 Q. And what was the result of your
5 inspection?

6 A. There was -- I saw no blood on
the
7 lamp shade.

8 Q. Did you inspect the lamp shade
to
9 determine whether or not you could see any tears?

10 A. Yes.

11 Q. And what was the result?

12 A. I didn't see any.

13 Q. All right. Let me just be more
14 general. Did you inspect the lamp shade to
determine

15 whether or not you could see any damage at all to
this
16 lamp shade?

17 A. Yes.

18 Q. And what was the result?

19 A. I didn't see any damage.

20 Q. No creasing, no tears, nothing
like

21 that?

22 A. No, outside of regular fraying
wear

23 along the rim, but no tears, no dents, scratches,
blood.

24 Q. Okay. Let's talk about the
visible

25 portion. Was this a floor lamp of some sort?

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1 A. Yes. I said standing, a floor
lamp is
2 what I mean.

3 Q. All right. Let's talk about
part of

4 the stem here that we can actually see in this
photograph

5 leading up to the light bulb and the other area
here that

6 would hold the shade.

7 Let's just start from the top
down.

8 Okay? The portion of this lamp that would have
held the

9 lamp shade, did you inspect that to determine
whether or

10 not there was any damage to it?

11 A. Yes.

12 Q. Was there any damage to the top
part

13 of that?

14 A. No.

15 Q. Did you inspect it to determine
16 whether or not you could see any blood on it?

17 A. I did.

18 Q. What was the result?

19 A. I found no blood.

20 Q. Let's go to the light bulb
itself.

21 Any damage that you could detect to the light bulb?

22 A. No.

23 Q. How about blood on the light
bulb?

24 A. No.

25 Q. Let's go from the portion down
all the

1 way to where it's hidden by the lamp shade itself.

Any

2 visible damage to that part of the lamp shade, to
that

3 lamp stand?

4 A. No.

5 Q. Any blood on that portion of the
lamp

6 stand?

7 A. No.

8 Q. Now, did you continue down and
did you

9 inspect the lower portion of that lamp stand to
determine

10 whether or not you could see any damage?

11 A. I did.

12 Q. And, what was the result?

13 A. I saw no damage.

14 Q. Any blood?

15 A. No, sir.

16 Q. Can you describe the base to this
17 lamp?

18 A. As what color or you mean --

19 Q. Well, shape.

20 A. Shape, yes. Probably not that --

but

21 it was rounded.

22 Q. Okay.

23 A. I mean I don't remember exactly.

24 Q. Okay. Did you look at it that

day?

25 A. Yes.

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1 Q. What types of things were you
looking

2 for?

3 A. Oh, I was looking to see if it
had

4 been moved, if there were any carpet indentations
which

5 occur when an item has been on a carpet for a good
while.

6 That is what I was looking for.

7 Q. All right.

8 A. Besides blood and damage.

9 Q. All right. Well, let's turn to
blood

10 and damage first. Any damage to the base of that
lamp?

11 A. No.

12 Q. Any blood on the base of that
lamp?

13 A. I didn't find any.

14 Q. All right. Now, when you took a
look

15 at the base to see if you could see the other
patterns

16 that would indicate it had been moved, could you see

any

17 other indentations or patterns on that carpet that
18 indicated that thing had been moved?

19 A. No.

20 Q. Or jostled?

21 A. I didn't see any.

22 Q. Did the lamp appear to be in the
23 position where it had originally been?

24 A. Yes.

25 Q. And do I understand you to say
that

1 you basically then did a complete walk-through of
the

2 family room looking at it in general, right?

3 A. Yes.

4 Q. When you finished up walking
through

5 the family room, what is the next area of the house
that

6 you and the other officers went to?

7 A. The --

8 Q. Well, let me just back up here.

Let

9 me ask you a question here before I take you to
another

10 part of the house.

11 When you finished, you had gone

12 through the entry, the hallway and now you have
looked

13 through the family room. Okay?

14 A. Um-hum. (Witness nodding head
15 affirmatively.)

16 Q. At that time, did you form any
17 opinions about what you had seen in that house at
that

18 point?

19 A. No.

20 Q. Okay. Why not? I mean you had
21 already seen the entryway, the hallway and the
family
22 room. Why didn't you?

23 A. Well, I hadn't finished with the
24 entire scene. There was nothing visible to make me
form
25 any opinions.

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1 Q. Okay.

2 A. Outside of planning what evidence
3 needed to be collected and so forth.

4 Q. Well, why did you think it was
5 necessary to see the remainder of the scene?

6 A. Well, that is just good crime
scene

7 policy, not to make any judgments on what occurred
until

8 you see all of the area to get the entire picture.

9 Q. All right. What is the next area
that

10 you did look at?

11 A. The kitchen.

12 Q. Okay. And describe for us, if you
13 will, what the kitchen looked like when you first
went in

14 there?

15 A. There was --

16 Q. What did you see?

17 A. -- some blood on the floor, more
in

18 the areas you step from the den or family room into
the

19 kitchen, there was blood on the floor, broken glass,

20 there was a vacuum cleaner lying on the floor, there
was

21 a wine rack immediately to the right.

22 To the left there was some open
23 drawers, with some bloody cloth items on top of
the

24 drawers. There was a few drops -- as we
progressed

25 through the kitchen, I noticed there was some
drops of

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1 blood on the floor leading into the utility room.

2 Q. Okay. Did you look at -- were
you

3 looking for anything specific when you went into
the

4 kitchen, or were you just trying to take an overall
view

5 of the situation?

6 A. No, when you conduct a crime
scene

7 like that, you just do an overall, try to spot
things

8 that, naturally, like blood, that should not be
there.

9 And I saw blood and glass and the vacuum cleaner,
that

10 was the primary things.

11 Oh, there was one thing I
forgot.

12 There was a knife on the counter dividing the
kitchen

13 from the family room. I forgot to mention that.
There

14 was a bloody knife laying on the edge of the
counter.

15 Q. Okay. So you saw the knife on
the
16 counter, you looked through the kitchen. The other
three
17 officers staying with you during this time?

18 A. Yes.

19 Q. Are you-all talking as you are
going
20 through here?

21 A. Yes.

22 Q. Okay. Are you-all walking in
single
23 file in some sort of order, or are you-all just
walking

24 through here? How are you doing it?

25 A. We were not walking in any single

1 file. It's difficult to walk through those scenes
when
2 there is blood all over the floor and glass, but we
were
3 trying not to step on things. But, no, we were not
in
4 single file.

5 Q. Okay. After you finished the
kitchen,

6 where did you-all go to?

7 A. The utility room.

8 Q. And, what did you notice when you
went
9 into the utility room?

10 A. Blood on the door, there was a
cap on

11 the floor, some blood on the floor and on the --
some
12 machines in the utility room.

13 Q. Okay. You have gone through the
14 living room, the kitchen and the utility room, had
you
15 noted blood on the floor in the hallway?

16 A. Yes.

17 Q. Had you noted blood on the floor

in

18 the family room?

19 A. Yes.

20 Q. Had you noted blood on the floor

in

21 the kitchen?

22 A. In part of the kitchen, yes.

23 Q. Okay. Had you also noted blood

on

24 some parts of the floor in the utility room?

25 A. Yes.

1 Q. Did you then have occasion to go
out

2 into the garage?

3 A. I did.

4 Q. And, what was the condition of
the

5 garage when you first went out there?

6 A. Well, I noticed a window
partially, or

7 you know, raised, a cut screen, the overhead door
was

8 shut. Are you talking about after I finished, or
just my

9 initial --

10 Q. Just the initial walk-through.

11 A. Oh, okay. On the initial, the
door

12 was shut, the window was open, the screen was cut
and it

13 was cluttered, typical garage that was used for
storage

14 and some cluttered areas.

15 Q. Okay. Well, when you went out
there,

16 were you looking for evidence of blood in the

garage,

17 too?

18 A. Yes.

19 Q. Okay. Where were you looking?

20 A. Primarily on the floor, of
course, the

21 doorways and anything arm level or hand level.

22 Q. All right. Well, let's start
with the

23 floor then. Did you see any blood on the floor of
the

24 garage?

25 A. No.

1 Q. And did you look for that?

2 A. Yes.

3 Q. Did you go, at that time, did you
4 go

5 back to look at the overhead door, the back door to
6 the

7 garage?

8 A. Yes.

9 Q. Okay. And, what were you looking
10 for

11 when you went back there to that garage door?

12 A. Bloody prints, or any type of
13 floor

14 evidence, which would be maybe pieces of glass from
15 the

16 kitchen floor because there was broken glass on the

17 kitchen floor.

18 I was looking for blood on the
19 door, I

20 wanted to see if the door was latched or not.

21 Basically

22 that was it, because I was making a plan of what to
23 go

24 back and do later in the garage.

25 Q. When you went over there to that

area,

18 were you looking for glass on the floor?

19 A. Yes.

20 Q. Did you see any glass on the floor
21 over there by that garage door?

22 A. No.

23 Q. Were you looking for blood on the
24 floor?

25 A. Yes.

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1 Q. Did you see any blood on that
portion
2 of the garage floor?

3 A. No.

4 Q. Were you looking for evidence of
blood
5 on the garage door itself?

6 A. Yes.

7 Q. And, did you see any blood on the
back
8 door or the overhead door to that garage?

9 A. None.

10 Q. Did you have occasion while were
you
11 in the garage then to go over to a window that was
open?

12 A. Yes, I did.

13 Q. Okay. And, what types of things
were
14 you looking for in that part of the garage?

15 A. Same thing. I was looking for a
16 trail, be it blood, glass, disturbance, that is
areas
17 disturbed to possibly follow the trail of an
intruder.

18 Q. Okay. Let's talk about this
part of

19 the garage floor. Did you see any evidence of
glass on

20 the floor?

21 A. No.

22 Q. Blood on the floor?

23 A. No.

24 Q. Did you have a chance to look at
the

25 window itself to look at it for evidence of blood?

1 A. Yes.

2 Q. Did you see any blood on that
open
3 window?

4 A. None.

5 Q. Did you have a chance to look at
the
6 windowsill?

7 A. Yes.

8 Q. Did have you a chance to examine
it
9 for evidence of blood?

10 A. I did.

11 Q. And did you see any blood on the
12 windowsill there at that window?

13 A. No, it had a fairly thick layer of
14 dust over the entire windowsill.

15 Q. How about the items over there
close
16 to the window, did you look at them also for evidence
of
17 blood?

18 A. Yes, I did, from head height down.

19 Q. Any evidence of any blood on any
items

20 close to the window?

21 A.

No.

22 Q.

Okay.

23

24 (Whereupon, the

following

25 mentioned items

were

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1 marked for
2 identification
only
3 after which time
the
4 proceedings were
5 resumed on the record
6 in open court, as
7 follows:)

8
9 BY MR. GREG DAVIS:

10 Q. You had mentioned the windowsill
and
11 how it appeared that day. Mr. Cron, let me show you
12 what's been marked as State's Exhibits 41-A and 41-B.
Do
13 you recognize those, sir?

14 A. I do.

15 Q. And do they truly and
accurately
16 depict the window, a portion of the window and
the
17 windowsill as they appeared on June 6th, 1996?

18 A. Yes.

19 Q. First one being, 41-A being an
inside

20 shot, 41-B being a photograph taken from the
outside; is

21 that right?

22 A. That's right.

23

24 MR. GREG DAVIS: Your Honor, at

this

25 time we will offer State's Exhibits 41-A and 41-B.

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1 MR. RICHARD C. MOSTY: No
objection.

2 THE COURT: State's Exhibits 41-A
and
3 41-B are admitted.

4
5 (Whereupon, the items
6 Heretofore mentioned
7 Were received in
evidence

8 As State's Exhibit
9 Nos. 41-A and 41-B
10 For all purposes,
11 After which time, the
12 Proceedings were resumed
13 As follows:)

14
15 BY MR. GREG DAVIS:

16 Q. Mr. Cron, with the Court's
permission,
17 could you please step down here and just show us what
the
18 two photographs show us here.

19 A. Yes, sir. Let me step back here.
20

21 THE COURT: Okay.

22

23

(Whereupon, the witness

24

stepped down from the

25

witness box, and approached

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1 the jury rail, for the
2 purpose of further describing
3 the exhibit to the jury.)

4
5 THE WITNESS: What was the
question

6 again?

7

8 BY MR. GREG DAVIS:

9 Q. Okay. First, just in general,
show us

10 what State's Exhibits 41-A and 41-B show us.

11 A. 41-A is a shot inside the garage
12 directly down over the sill, the windowsill. It
shows

13 the length of the sill here.

14 In the right hand corner is part
of a

15 cat cage or an animal cage. And on the left, is a -

-

16 well, you see it better here, is an animal
container or

17 litter box container with a cardboard box on the
left.

18 It shows the cut screen and on the outside brick
sill.

19 Q. Okay.

20 A. 41-B is a shot from the outside

21 showing the inside, excuse me, from the outside

aiming

22 inside the window, showing the cut screen, it was

cut

23 across the top and then down vertically, the flaps

24 overlap, the brick outer sill, the wooden inner

sill and

25 the cage.

1 Q. Okay. You said the objects here
on
2 the left-hand side, well, actually it's going to be
the
3 right-hand side of 41-A. Is that some sort of
animal
4 cage?

5 A. Yes.

6 Q. How did you determine that?

7 A. Well, it was obvious. I mean,
it had

8 food bowls, water bowls inside, it had wire across
the
9 wooden frame, it had a door with a latch on it.

10 Q. How many animals were in there
that
11 morning?

12 A. I can't recall. I don't believe
any.

13 No, there wasn't one in that cage.

14 Q. Okay. So it's a cage, some sort
of an
15 animal cage. No animals in there that morning; is
that
16 right?

17 A. Not at that time. There was

another

18 cage that had an animal in it, not this one.

19 Q. Where was that cage located?

20 A. In the family room.

21 Q. When you were looking at this
area,

22 the windowsill portion of this window, what types
of

23 things were you looking for?

24 A. Signs of an intruder going
through it.

25 Disturbed dust, foot prints, blood, any outside
debris

1 that might have been carried in through the
clothing or

2 shoes of the intruder such as bark, mulch, any type
of

3 damp vegetation, just any signs that an entry and
exit

4 was made through the window, foreign material and
5 disturbed areas.

6 Q. Sir, did you find any scuff
marks or

7 shoe prints, foreign material or any evidence
whatsoever

8 that an entry had been made either in or out of that
9 window shown in State's Exhibit No. 41-A?

10 A. No. There was a solid layer of
dust

11 along the entire length of the white windowsill and
it

12 was undisturbed.

13 Q. What do mean undisturbed?

14 A. There was no streaks through it,
no

15 signs of movement through it. It was
an even layer, it's

16 sort of like new fallen snow. It was
obvious that

17 nothing had gone through it.

18 Q. Okay.

19

20 THE COURT: Does the
jury need a

21 break?

22 A JUROR: Yes, sir.

23 THE COURT: All

right. Let's take a

24 brief, five minute break here.

25

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1 (Whereupon, a short
2 recess was taken,
after
3 which time, the
4 proceedings were
5 resumed in open
court,
6 in the presence and
7 hearing of the
8 Defendant, being
9 represented by his
10 Attorney, but
outside of
11 the presence of the
jury
12 as follows:)
13
14 THE COURT: Are both sides ready
to
15 bring the jury back in?
16 MR. GREG DAVIS: Yes, sir, we are
17 ready.
18 MR. DOUG MULDER: Yes, sir, the
19 defense is ready.
20 THE COURT: All right. Bring the
jury

21 in, please.

22 THE COURT: All right. Be seated

23 please. Let the record reflect that all parties at

trial

24 are present and the jury is seated. Please continue,

Mr.

25 Davis.

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1 MR. GREG DAVIS: Thank you, Judge.

2

3 BY MR. GREG DAVIS:

4 Q. Mr. Cron, we have gotten to the
point

5 where you had a chance to look at this particular
window.

6 Are there other windows in that garage, sir?

7 A. Yes.

8 Q. Did you have an opportunity to
look at

9 them, also?

10 A. I did.

11 Q. Did you do that while you were
inside

12 the garage, or did you do that from the outside?

13 A. Both, inside and outside.

14 Q. Okay. Well, let me just take you
15 inside then. The other windows, did you find any
other

16 windows that were open like the window shown in
State's

17 Exhibits 41-A and B?

18 A. No.

19 Q. Did you see any other screens cut
on

20 the windows covering, on the adjacent windows there
in

21 the garage?

22 A. No, I didn't.

23 Q. Did you check them to see whether
you

24 saw any evidence of any blood or any disturbance
around

25 them?

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1 A. I did.

2 Q. Did you find any evidence of
blood or

3 disturbance around the other windows?

4 A. No.

5 Q. Well, after you had a chance to
check

6 the windows, the door and the floor, and the general

7 condition, did that pretty much complete your
inspection

8 of the garage?

9 A. On the walk-through part, yes,
sir.

10 Q. All right. After you walked
through

11 these particular rooms, including the garage, then
what

12 did you do?

13 A. I then went out the front door
around

14 the side of the house towards the back.

15 Q. All right. And, did the other
16 officers go out there with you?

17 A. Yes.

18 Q. Okay. What was the purpose of

you

19 going outside?

20 A. To look for the unusual.

Possible

21 points of entry, or attempted points of entry at
other

22 windows, disturbed ground under the windows,
cigarette

23 butts, footprints, blood, if there were any
outside,

24 maybe a murder weapon, I'll say murder weapon, a
knife,

25 you know, a weapon, point of entries.

1 Q. Well, let me ask you: Are there
any

2 other windows along the front side of the house?

3 A. Yes.

4 Q. Did you check them to determine
5 whether or not they showed any evidence that someone
had

6 come through?

7 A. Yes.

8 Q. And what was --

9 A. Excuse me. What was the question
10 again?

11 Q. Okay. Did you have a chance to
12 examine the windows on the front part of the
house?

13 A. Yes.

14 Q. And what was the result of
your

15 inspection of those windows?

16 A. There was no signs of any
disturbance

17 that I found.

18 Q. Are the flower beds out there
in the

19 front?

20 A. Yes.

21 Q. Were you looking for them,

were you

22 looking at them, also?

23 A. Yes. The bushes and so forth,

yes, I

24 was.

25 Q. Okay. And what was the result
of your

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1 inspection of the flower bushes and the flower
beds in

2 general?

3 A. I saw no signs of disturbances
that a

4 person might have been trying to get past them
into a

5 window area.

6 Q. Okay. Did you do the same
thing for

7 the windows on the side of the house?

8 A. I did.

9 Q. Did you do the same thing for
the

10 flower beds, also?

11 A. Yes.

12 Q. All right. What was the
result there?

13 A. I found no signs of an
attempted

14 entry.

15 Q. All right. Did you then get
back to

16 the back portion of the house?

17 A. Yes.

18 Q. Do you remember the first
thing that

19 you looked at when you got back there?

20 A. The driveway leading to the
gate.

21 Q. All right. And what types of
things

22 were you looking for on the driveway?

23 A. Blood, skid marks, and
possibly any

24 objects that might aid the investigation,
cigarette

25 butts, knives.

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1 Q. Okay. Did you find any of
those

2 items, blood, skid marks or other foreign objects
out

3 there on the driveway?

4 A. No.

5 Q. Did you have a chance to look at
the

6 garage door itself on the outside?

7 A. I did.

8 Q. All right. And what types of
things

9 were you looking for there?

10 A. I was looking for signs of pry
marks,

11 or for signs of attempted entry, and blood.

12 Q. All right. Did you see any
blood?

13 A. No.

14 Q. Did you see any pry marks?

15 A. None.

16 Q. Did you see any evidence of any
sort

17 of forced entry on that garage door?

18 A. I did not.

19 Q. Now, when you looked at the
garage

20 door from the inside, had it been closed?

21 A. Yes.

22 Q. Is there a latch to that garage
door?

23 A. It was latched.

24 Q. Okay.

25 A. There is a latch.

1 Q. Okay. And the door was latched
when

2 you saw it; is that right?

3 A. That's correct.

4 Q. You looked at the driveway and
the

5 garage door now. Where is the next place that you
and

6 the other officers go to?

7 A. The gate of the privacy fence,
the

8 wooden fence.

9 Q. All right. And when you are
looking

10 at this fence, and you are talking about a privacy
fence,

11 is this the fence that encloses the backyard?

12 A. It is.

13 Q. Is it painted?

14 A. It's white.

15 Q. All right. Wooden fence, right?

16 A. Yes, wooden fence, painted white,

6

17 feet tall.

18 Q. What types of things are you

looking

19 for on the gate?

20 A. Scuff marks, pry marks, blood.

21 Q. Okay.

22 A. Anything to indicate forced entry

or

23 signs of -- that might belong -- anything that might

24 belong to an intruder.

25 Q. Did you see any blood?

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1 A. No.

2 Q. Did you see any pry marks?

3 A. No.

4 Q. How about scuff marks?

5 A. Yes, there were scuff marks.

6 Q. Okay. Where were they located on
the
7 gate?

8 A. At the base of the gate or at the
9 center, lower center.

10 Q. Okay. On the outside of the gate
or
11 on the inside of the gate?

12 A. The outside.

13 Q. Okay. When you saw that set of
scuff
14 marks on the outside of the gate toward the bottom,
did
15 you have a chance to talk with Sergeant Matt Walling
16 about them?

17 A. I did.

18 Q. Did you try to determine how he
had
19 gained entry into that backyard?

20 A. I did.

21 Q. Without going into what he said,
did

22 you determine how he did get in there?

23 A. Yes.

24 Q. And after you did that, did you
find

25 anything unusual about the scuff marks that you had
seen

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1 on the outside of the gate?

2 A. No.

3 Q. At that point, Mr. Cron, did you
look

4 at the exterior of the fence, or did you go ahead
and go

5 inside the backyard?

6 A. I looked at the interior later.
At

7 that point I went inside the yard.

8 Q. If you recall, where is the first
9 place that you went once you got in the backyard?

10 A. The window that had the screen
cut,

11 and the partially opened window.

12 Q. Again, is that going to be the
window

13 shown in State's Exhibit 41-B here?

14 A. Yes.

15 Q. All right. So you had a chance
to

16 look at it from the outside now?

17 A. I did.

18 Q. What types of things are you
looking

19 for?

20 A. The same thing we had been
looking

21 for -- or I had been looking for throughout the
scene,

22 blood, signs of an intruder.

23 Q. Did you find anything like that
when

24 you looked at this window from the outside?

25 A. No.

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1 Q. Where is next place that you went
to
2 then?

3 A. It wasn't actually a specific
area, it
4 was just the interior of the courtyard surrounded by
the
5 white, wooden fence.

6 Q. And again, what are you looking
for
7 then?

8 A. Signs of travelling through the
mulch
9 that was in the areas where an intruder might have
left
10 the window to the gate, I was looking for scuff marks
on
11 the gate, to see if there were any signs of blood or
12 scuff marks, any signs of a person possibly scaling
the
13 fence.

14 Q. Okay. If we look at State's
Exhibit

15 13-A and 13-B, do we see an area of mulch here?

16 A. Yes.

17 Q. Okay. And, again, both these
18 photographs show the open window, do they not?

19 A. They do.

20 Q. Okay. Did you look in this area
21 of
22 mulch for signs of disturbance?

23 A. I did.

24 Q. And again, what types of signs
25 were

26 you looking for?

27 A. Well, that mulch I was looking for
28 any

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1 dampness or signs that feet were drug through the
area,

2 or fast movement of a heavy object, to see if it
traveled

3 through the mulch.

4 Q. Okay. Sir, when you looked at it,
did

5 you see any sign of that?

6 A. No.

7 Q. Let me direct your attention down
here

8 to State's Exhibit 13-E. Do you see that area?

9 A. Yes.

10 Q. Is that another area of mulch in
the

11 backyard?

12 A. It is.

13 Q. Okay. Did you look at that area,
14 also?

15 A. I did.

16 Q. Were you looking for the same
things?

17 A. Yes.

18 Q. Okay. Did you find any evidence
that

19 that mulch had been disturbed?

20 A. No, I tested it to see if it could
be

21 disturbed, and I could disturb it, but --

22 Q. How did you do that?

23 A. Two ways. One, I walked flat-
footed,

24 very gently or easily across the mulch and nothing
25 happened. I then walked very fast across it and I

1 disturbed it, and I ran across it and I did disturb
it,

2 and the dampness under the upper layer of mulch was
then

3 exposed and was darker than the top layer, and it
became

4 evident.

5 Then, I did bend down and take
my hand

6 and just ruffle up the mulch, and it appeared dark

7 wherever I did disturb it.

8 Q. Did you have a chance to go
inside

9 that spa back there in the backyard?

10 A. Yes.

11 Q. And again, were you looking for
the

12 same types of things inside the spa?

13 A. Blood, and, yes, any signs of
an

14 intruder.

15 Q. All right. Did you see any
blood

16 inside the spa.

17 A. No.

18 Q. Did you see any signs that an

intruder

19 had come into the spa?

20 A. No.

21 Q. Any other areas of the backyard
that

22 stand out as areas that you went to that morning?

23 A. That stand out?

24 Q. Yes, sir.

25 A. Nothing was unusual. The
windows,

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Reporter

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1 were -- the screens were intact, the windows were
locked,

2 I saw no signs of attempted entry, the white fence
had no

3 scuff marks or blood to where it appeared somebody
had

4 climbed over the fence.

5 Q. Okay.

6 A. So, I found nothing unusual, in
that

7 respect.

8 Q. Okay. Let me just ask you in
9 particular: Is there a sliding glass door that
leads in

10 to the house from the backyard?

11 A. Yes.

12 Q. Did you check that for pry
marks or

13 any other evidence of forced entry?

14 A. I did.

15 Q. What was the result?

16 A. There were none.

17 Q. Let me ask you: In this entire
18 backyard, did you see any blood at all in this
backyard?

19 A. No.

20 Q. I'm including the ground, I'm
21 including any of the objects here around this
window, and

22 I'm including the interior portion of the fence,
any

23 blood at all?

24 A. None.

25 Q. And the fence, as we can see,
it's

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Reporter

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1 painted white, right?

2 A. Yes.

3 Q. How about scuff marks on the
inside

4 part of the fence?

5 A. I could find none.

6 Q. Did that pretty much conclude
your

7 inspection of the backyard then, the inside of the
8 backyard?

9 A. Well, on the inside, yes. I
made

10 several notations of mental observations, but
nothing

11 indicated an intruder. I noticed the blinds were --
you

12 could see the interior of the house through the
Venetian

13 blinds were -- well, the blinds that were covering
the

14 sliding glass door.

15 Q. Okay. And what could you see
inside

16 the house, looking through the blinds from the
outside?

17 A. You could see the family room or
den,

18 the interior.

19 Q. All right. Was there any
light coming

20 from the inside, from that family room?

21 A. When I was out there, it was
starting

22 to get light, and I don't recall any bright
lights. From

23 the inside shining out?

24 Q. Yes, sir.

25 A. I don't recall. I mean,
yeah, of

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1 course, I could see the lights were on in the
hall

2 because they were on when we were going through
our

3 walk-through, but I didn't notice anything unusual
about

4 the lights.

5 Q. Okay. Any of the windows there
into

6 the garage or into the house, any of them open?

7 A. No.

8 Q. Besides this one that you had
noted

9 before, right?

10 A. Well, the one with the cut screen,
11 that is the only one.

12 Q. All right. Now, at that point,
when

13 you looked inside the backyard itself, had you
concluded

14 your initial walk-through of the scene?

15 A. No.

16 Q. All right. What else did you do
then?

17 A. I checked the exterior of the

fence.

18 Q. Okay. And again, how did you do
that?

19 A. Just walked around it. At one
time I
20 had to look at the other side of the fence, that is
the
21 side that facing the front of the house, I had to go
22 around the house, which would amount to the side
yard, I
23 guess. I checked it for scuff marks and blood.

24 Q. Okay. Did you see any scuff
marks?

25 A. No.

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1 Q. Did you see any blood?

2 A. No, I did not.

3 Q. Did that conclude your initial
4 walk-through?

5 A. Yes.

6 Q. Do you have an estimate of the
amount

7 of time that it took you to do that initial walk-
through,

8 Mr. Cron?

9 A. Well, 25 minutes, maybe 30
minutes.

10 Q. Were you under any sort of a time
11 constraint, or could you take as long as you
needed?

12 A. I could take whatever time I
felt
13 sufficient.

14 Q. All right. Did you feel that you
had

15 sufficient time for that initial walk-through?

16 A. Just for the initial one?

17 Q. Yes.

18 A. Certainly, yes.

19 Q. All right. And, let me ask you

then:

20 You finished your initial walk-through of that
residence,

21 backyard exterior of the residence, did you form
any

22 opinions after your initial walk-through, sir?

23 A. I was beginning to have some
feelings

24 about the offense, yes, sir.

25 Q. All right. What impressions, if
any,

1 did you start to form after that initial walk-
through?

2 A. That there had not been an
intruder

3 enter through the window.

4 Q. All right. And, why did you
come to

5 the conclusion that there had been no intruder?

6 A. Well this is a --

7 Q. That is from your initial
8 walk-through?

9 A. It's sort of a big picture. It's
not

10 any one thing. It was the overall scene which,
11 primarily, is the lack of evidence in many cases.

But

12 the entire scene indicated to me there had not been
an

13 intruder. There wasn't any one object or any one
14 situation there.

15 Q. Let me ask you: Did you find the
16 physical evidence there in the crime scene to be

17 consistent or inconsistent with information that you
had

18 been given by the Rowlett police officers prior to

19 starting the walk-through?

20 A. Inconsistent.

21 Q. And by the time you did this

22 walk-through, you had been doing these kinds of
things

23 for how many years?

24 A. Oh, around 39.

25 Q. You have met with the officers,
you

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1 have done your initial
walk-through with them,
what is

2 the next thing to do
in this situation?

3 A.

Well, there is a loose
procedure that

4 can be altered, due to
the different
circumstances. But

5 there is a basic
procedure to use in crime
scene

6 investigation. Is
that what you want me to --

7 Q.

Yes, sir. What is that
procedure? Is

8 it just something that
you have come up with, or
is it

9 some sort of
standardized procedure?

10 A.

Well, it's basically

standard. It's a
11 common sense approach
more than anything.

12 It
involves a walk-through
naturally

13 to plan your attack,
or plan your actions at a
scene.

14 The second one is to
record everything.

15
Photographically, and in a
sketch, if

16 it's required in the
type of scene that you're

17 investigating. But
record it with notes,
measurements of

18 the sketch, and a
series of photographs.

19
Once it's recorded, the
next step is

20 to take care of your
fragile evidence; hair,
fiber,

1 investigator's own
agency, the movable things
have to be

2 taken care of.

3

Then, the scene is
inspected, objects

4 removed, photographs
then, follow-up photographs
are then

5 taken to see what is
under, behind, on top of,
or

6 whatever, of the
evidence. This is after
it's initially

7 recorded in it's
intact or first position
and the

8 photographs, have been
already taken.

9

After that, another walk-
through is

10 conducted to insure

But these are also -- that
is the
21 basic steps in a crime
scene investigation.

22 Q. How
many years have these
procedures
23 been in place in law
enforcement?

24 A.
Well, most of the books
that have been
25 written on it, from
the '40's.

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CSR, Official Court
Reporter

1 Q.
1940's?

2 A.
'40's.

3 Q. We are talking about 50 years
for
4 those procedures in use, right?

5 A. Yes. They are standard in all
crime
6 scene investigation, criminal investigation books
now,
7 academies and so forth.

8 Q. Well, barring some sort of
weather
9 problem or some sort of outside element there,
would
10 these steps in the procedures, would they change
with the
11 type of offense that you're going to go out there
and
12 investigate?

13 A. No. The only thing that would
change
14 is if you didn't have blood, naturally, you
wouldn't
15 collect blood. But the basic steps are the same

from

16 criminal mischief to a multiple homicide.

17 Q. And when you go out to process

a

18 scene, Mr. Cron, do you just simply walk into a
scene,

19 would it ever be proper to just simply walk into
a scene,

20 look at it and then leave?

21 A. No.

22 Q. Okay. Are there things that
you have

23 to do in order to process a scene?

24 A. Yes.

25 Q. And investigate a scene?

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Reporter

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1 A. Yes.

2 Q. What types of things do police
have to

3 do in order to investigate and process a crime
scene?

4 A. Well, one thing that is
necessary,

5 whether it's basics to a crime scene to a traffic
ticket,

6 you have to ask the person present what happened.
Be it

7 victim, witness, anyway, you have to -- they were
there,

8 so you ask them what happened.

9 Q. Let me ask you: In this case,
the

10 defendant was not at the location when you were
11 processing this crime scene, was she?

12 A. No.

13 Q. Her husband, was he present
there for

14 you to talk to while you are processing this
crime scene?

15 A. No.

16 Q. So, normally you would want to

talk to

17 somebody who is there, right?

18 A. Yes.

19 Q. What's the next thing then
that you

20 would want to do?

21 A. I would talk to the officers
that

22 talked to the person that I would -- had wanted
to talk

23 with.

24 Q. Did you have -- you had a
chance to do

25 that in this case, right?

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1 A. I did.

2 Q. Okay. What are some of the
other
3 things that are necessary in order to investigate
and
4 process a crime scene?

5 A. Well, outside of the
information
6 received from the people we're talking about, the
witness
7 or the victim?

8 Q. Yes.

9 A. Is information from the officers
10 themselves on what they saw and observed and their
11 actions at the scene.

12 Q. In order to process the scene
13 properly, is it necessary at times to move things?

14 A. Definitely.

15 Q. Okay. And what are some of the
16 reasons why you might want to move an object once you
get
17 to a crime scene?

18 A. Well, there's many reasons. I
19 mentioned weather, crowd conditions, hostile crowds
in

20 riot situations, one is after the photographs or
your

21 initial photographs to record the scene are taken.

You

22 have to move the evidence then.

23 Q. Okay. Why?

24 A. To do a thorough investigation.

It

25 would be equivalent to having a body at the scene
and not

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1 looking under it. You have to look for evidence
and

2 moving objects during an investigation is just one
of the

3 things that has to be done to find the evidence.

4 Q. Well, after the initial
photographs

5 are taken, would you consider it to be altering or
6 tampering with a crime scene to move certain
things to

7 investigate the scene?

8 A. No.

9 Q. Is that done on all crime
scenes by

10 police every day?

11 A. It would be malpractice if they
didn't

12 move it when they conducted the crime scene
13 investigation.

14 Q. You're still out there with
Rowlett

15 Police Department at this time, correct?

16 A. Yes.

17 Q. Okay. In your discussions with
them,

18 did you ever indicate that you thought it might be
19 helpful for other people from other agencies to
come out
20 there and assist you in the crime scene search
21 investigation?

22 A. There were some people I
thought might
23 help in this type offense, yes.

24 Q. Okay. Who were those people?

25 A. People from what is commonly
called

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Reporter

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1 SWIFS or Southwestern Institute of Forensic
Science,

2 colloquial -- the crime lab.

3 Q. We call it SWIFS, right?

4 A. Yes, SWIFS, Dallas County Crime
Lab

5 personnel.

6 Q. All right.

7 A. I suggested they contact the
people

8 from trace evidence in -- or serology, either one,
or

9 both.

10 Q. Is there someone that you had
in mind

11 out there in the trace evidence at SWIFS?

12 A. Yes, Charles Linch.

13 Q. And you have dealt with Charles
Linch

14 in the past, I take it?

15 A. Many times.

16 Q. Serology, also, would that be
someone

17 to do something with the blood work out there?

18 A. Right.

19 Q. Did you recommend anybody, in
20 particular, or did you just leave that up to SWIFS
21 or
22 Rowlett?

23 A. No. I knew that whoever was on
24 duty,
25 if they contacted Linch, and they, Rowlett PD
26 requested
27 serology to come with the trace evidence man, who
28 is
29 Charlie Linch, that he would pick who he wanted to
30 travel

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1 with out there. I didn't recommend a name.

2 Q. Well, as you began to process
this

3 crime scene, was it your responsibility to
actually go

4 around and actually collect evidence or blood
samples or

5 fingerprints or any physical evidence out there at
the

6 scene?

7 A. No. They called me for advice.

8 Q. Okay. So, what did you
understand

9 your role to be out there as the scene started to
be

10 processed?

11 A. Advice, consultant, it wasn't
even to

12 be an overseer, I was to direct no one. They
didn't tell

13 me I wasn't to, but that is not the way I operate.

14 I observe, and if I saw them
doing

15 something that maybe was out of step, or they
should do

16 it earlier, before, I would give them directions.

I made

17 a few hints, such as calling the people from the

crime

18 lab.

19 I advised them to collect

several

20 other items, which they may have been going to

anyway,

21 but since I was there I went ahead and advised

them to do

22 it.

23 Q. Okay. What was the first thing

that

24 you thought would be proper to do in processing

this

25 crime scene?

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Reporter

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1 A. The first thing?

2 Q. Yes, sir.

3 A. Photographs.

4 Q. All right. And, to your
knowledge,

5 were photographs taken by Rowlett police officer
after

6 you did your initial walk-through of the house?

7 A. Yes, that was one of the first
things

8 they did. Sort of, at the same time a sketch was
being

9 prepared, but that, the sketcher follows behind the
crime

10 scene photographer so he won't get in the picture,
but

11 that can be done at the same time.

12 Q. All right. So, walk-through,

13 photographs. What is the next thing that you
thought was

14 proper to do in the process?

15 A. To start collecting some blood,
that

16 was my next suggestion, and to do, or conduct some

17 presumptive blood tests, that is field tests to

determine

18 if things are blood.

19 Q. All right. When it came down to
the

20 blood samples, the taking of the samples, did you
direct

21 the Rowlett officers to specific locations in the
house

22 and tell them take a sample here, or I want a sample
23 there, or how did you handle that?

24 A. I did on a couple of areas, but
the
25 rest, they seemed to be doing fine. I didn't follow
the

1 blood collector around. I did suggest several
areas.

2 Q. All right. So, first thing, take
the

3 blood samples. To your knowledge, did the Rowlett
4 officers then begin to do that?

5 A. They did.

6 Q. Okay. Next thing that you
thought

7 would be proper to do in this sequence?

8 A. Latent prints. We held off, or I
say

9 we, I told them to hold off a little until Charles
Linch

10 or whoever was coming from the crime lab arrived.
As it

11 was, he did arrive before they started doing the
latent

12 print processing, because we didn't want to lose a
hair.

13 Because some of the latent print processing involves
14 camel hair or other type brushes and I didn't want
any

15 interference with the hair collection.

16 Q. All right. So, trace evidence,

that

17 would include the collection of hairs and fibers,
right?

18 A. Yes, trace meaning small items;
paint

19 flakes, hair, fibers, small items of evidence.

20 Q. And, to your knowledge then, the
21 latent prints were not begun until trace evidence
had a

22 chance to do some of that; is that right?

23 A. In the areas that we were
concerned

24 with hair and fibers, naturally some higher-up areas
25 that -- you know, we didn't -- I didn't hold them
back on

1 every area, just the places where there could be
hairs

2 and fibers.

3 Q. Did Charles Linch then arrive at
the

4 scene?

5 A. Yes.

6 Q. Did someone from serology come
out

7 there with him?

8 A. Yes.

9 Q. Do you remember what that
person's

10 name was?

11 A. I believe her last name is Long.

12 Q. All right. Does Kathryn Long
sound

13 familiar?

14 A. That does. That's it. I
couldn't

15 recall her first name.

16 Q. All right. When Kathryn Long
got

17 there, at any time did she also begin taking blood

18 samples from inside the residence?

19 A. Yes, sir. Both of them were
doing

20 presumptive tests and collection of blood, and, as
was

21 the Rowlett Police Department.

22 Q. So, you have got those two
individuals

23 doing the presumptive, plus doing some blood samples,

24 you've got Rowlett doing blood samples. Next in the
25 sequence then, I understand was, you do, trace
evidence,

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1 correct? In areas where you are going to do latents?

2 A. Yes.

3 Q. Okay. Then you attempt to lift
latent

4 fingerprints, correct?

5 A. That's correct.

6 Q. All right. And, to your knowledge
7 then, did a Rowlett police officer begin doing that?

8 A. Yes.

9 Q. Do you remember who that was out
there

10 on June the 6th?

11 A. The only one I saw processing --
well,

12 the answer is yes, I do know.

13 Q. Okay. And who was that?

14 A. Hamilton.

15 Q. Charles Hamilton?

16 A. Yes.

17 Q. Okay. After you have collected
the

18 blood, you have done the trace evidence, and you
begin

19 processing for latent prints, in your opinion, what
would

20 have been the next proper thing to do, and what did
do

21 you out there?

22 A. Any large items needed to be
23 collected, such as the screen, and I told them to,
you

24 know, anything movable. We started moving objects,
25 vacuum cleaner, big, heavy objects. I say big and
heavy,

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1 other than something you can hold in one hand.

2 Q. Okay. And again, why did you go
along

3 with the idea of moving these particular items?

4 A. Well, one, I wanted to look under
some

5 of them myself, and we wanted to, I wanted them to
look

6 and see what they could find, by nature of blood,
hair,

7 fiber, weapons.

8 Q. Were there some items that you
9 yourself moved inside the house?

10 A. The base of the lamp. I checked
the

11 weight of the table, the glass table top. I looked
in a

12 couple of drawers in the kitchen that were exposed
and

13 open and had blood cloth items on top.

14 I didn't do that much. I did test
the

15 light switch to see if the light worked on the back
patio

16 light, and it did come on when I threw the switch on.

17 Q. Okay. Are you talking about, I
18 believe, in one of these photographs, we might be
19 able --
20 are you talking about a light that would be attached
21 to
22 the house?

23 A. Yes.

24 Q. Porch light? And it was in
25 working
26 condition; is that right?

27 A. Yes.

28 Q. You mentioned that you went to, I

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1 guess, a coffee table in the family room; is that
right?

2 A. Yes.

3 Q. And what exactly did you do with
that

4 coffee table, Mr. Cron?

5 A. I pushed it with my legs to see if
it

6 was heavy or light, which I assumed it was going to
be

7 heavy because they normally are, but I wanted to feel
it

8 myself.

9 Q. Okay. Is this the table that is
shown

10 in 47-A, State's Exhibit 47-A?

11 A. Yes.

12 Q. Okay. Well, what did you find?

Is

13 this table light or is it heavy?

14 A. It's heavy.

15 Q. Okay. And give us an idea of the
16 amount of -- what did you do to it exactly?

17 A. I braced my leg against it and
then

18 leaned towards the direction of it to see how easily
it
19 moved.

20 Q. And what did you find out when
you
21 tried to do that?

22 A. It was difficult to move, without
23 exerted pressure or effort.

24 Q. Did it appear to you when you
looked
25 at it that morning when you first saw it that it was
off

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1 center?

2 A. Yes.

3 Q. Now, I think you said you touched
a

4 couple of the drawers in the kitchen, right?

5 A. Yes.

6 Q. What other items did you move that
you

7 recall?

8 A. I looked at some of the glass on
the

9 floor. I had had them collect some of the glass.

10 Q. Let me ask you: What was the
purpose

11 of having Rowlett collect some of the glass on the
floor?

12 What were you thinking at that time?

13 A. At that time, when I -- actually,
this

14 really came about from the walk-through, is when I
15 verbally said, "You need to collect some glass."

Glass

16 is collected any time it's on the floor at a crime
scene,

17 or should be collected.

1 A. To see how sharp it was, and to
see if

2 it was all consistent with being the same type.

3 Q. Okay.

4 A. And color-wise, mainly.

5 Q. When you were looking to see how
sharp

6 this glass was, what were you thinking at that time?

7 A. That part, on the sharpness,
came

8 after I had come in and I started forming my
opinion of

9 the crime scene. The purpose then was to see how
sharp

10 it was. I wanted to determine if the
complainant in this

11 case had cuts on the soles of her feet.

12 Q. Okay. When you looked at
this glass,

13 I don't know how you quantify this, but how
sharp was

14 this broken glass?

15 A. I cut myself on it.

16 Q. Okay.

17 A. It was sharp.

18 Q. Okay.

19 A. I made a mistake and applied
too much

20 pressure and cut myself.

21 Q. Okay. Was there ever an
occasion,

22 when you were present and a vacuum cleaner was
moved?

23 A. Yes.

24 Q. Okay. Tell us, where was
the vacuum

25 cleaner when you first saw it?

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Reporter

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1 A. Between the kitchen, an
island in the
2 center of the kitchen and the island counter,
and the
3 divider between the kitchen and the living
room. It was
4 on the floor.

5 Q. All right. Whose idea was
it to move
6 the vacuum cleaner?

7 A. Mine, but I would say more,
actually,
8 it was a mutual consent, as the photographs,
when they
9 were finished, we were following behind the
photographer,
10 and we said, "Let's look under it."

11 Q. Okay. Well, why did you
want to look
12 under it?

13 A. When -- you look under
things just to
14 see what you find. I had no idea what I would
find but I
15 was looking for evidence.

16 Q. Who actually moved the
vacuum?

17 A. David Mayne.

18 Q. Okay. Rowlett police
officer?

19 A. Yes.

20 Q. Did you observe how he moved
the
21 vacuum cleaner?

22 A. I was standing with him. I
was at one
23 end of the vacuum and he was at the other.

24 Q. All right. Did both of you
lift it,
25 or did one of you, or --

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you

19 would step down for just a moment, sir. Again, if

you

20 will wait for everybody to come around.

21

22 (Whereupon, the witness

23 Stepped down from the

24 Witness stand, and

25 Approached the jury rail

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this

21 vacuum cleaner, could you see these two bloody
footprints

22 where the vacuum cleaner had been, sir?

23 A. I could.

24 Q. Could you also observe blood drops
25 underneath where the vacuum cleaner had been?

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1 A. Yes.

2 Q. Could you also observe any broken
3 glass under this area, where the vacuum cleaner had
been?

4 A. Yes.

5 Q. Do you see any on this particular
6 photograph here, 43-B? And if so, just point them
out
7 for the members of the jury.

8 A. There is, they're a little
difficult

9 to see because being clear glass, you can see some
10 reflections. Some of the pieces don't actually show
up
11 on the photograph, but the little reflections show.

12 Q. Okay.

13 A. Some of the glass reflections from
the
14 flash, you know, of the camera.

15 Q. Okay. Let me ask you: I want to
talk

16 about these two bloody footprints. Did you find any
17 broken glass resting on top of the bloody footprints
in
18 this area of the kitchen?

19 A. Yes.

20 Q. On top of it?

21 A. Yes. Bloody glass?

22 Q. No.

23 A. There was glass on it, but the
glass
24 wasn't bloody.

25 Q. Okay. So, you have got glass
without

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1 blood on it sitting on top of bloody footprints; is
that

2 right?

3 A. Yes.

4 Q. Now, you had also indicated, Mr.
Cron,

5 that you saw what appeared to be roll marks before
the

6 vacuum cleaner was moved; is that right?

7 A. That's correct.

8 Q. Do you see anything on State's
Exhibit

9 43-B that would demonstrate that for the jury?

10 A. This is one of the best examples
in

11 this picture is this mark here. You can see where
the

12 blood is displaced on the left and right here, it
appears

13 to be a roll mark where the blood was -- it was
displaced

14 by whatever rolled through it.

15 Q. When we -- let me give you an
example.

16 If I am out on a roadway driving, the roadway is wet,

17 will the tires push it through, will it displace or
push

18 the water to the sides?

19 A. Yes.

20 Q. Is that what you're talking about
here

21 when you look at this roll mark here on 43-B?

22 A. Yes, that's why it's darker on
both

23 sides, it's where the blood is spread out.

24 Q. Was this the only area here, that
you

25 have pointed out on State's Exhibit 43-B, that you

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1 thought at that time might be a roll mark in that
area of

2 the kitchen?

3 A. There was one other, I would have
to

4 look at the series of pictures to see where it is,
but

5 no, that wasn't the only roll mark.

6 Q. Okay.

7 A. This was one here, but there was
some

8 other marks that appeared to me to be roll marks from
the

9 vacuum.

10 Q. Okay. Are you certain that those
roll

11 marks were present on this floor before Officer Mayne

12 lifted this vacuum cleaner up off of the floor,

sir?

13 A. Well, we specifically discussed
it.

14 He lift it up and set it aside, not drag it across
the

15 blood. That would have defeated the purpose of
being

16 careful at the scene.

17 Q. Okay. Thank you, sir.

18

19 THE COURT: All right. Ladies
and

20 gentlemen, in view of the hour now, we will recess
until

21 9:00 o'clock tomorrow morning.

22 Remember the same instructions as
23 always. Don't discuss this case among yourselves
yet.

24 Do no investigation on your own. And if you hear
about

25 it or see about it on the TV, or anything in the

1 newspapers, please ignore it.

2 We will see everybody here at

9:00

3 o'clock tomorrow morning.

4 Thank you very much. Wear your

juror

5 badges at all times.

6

7 (Whereupon, the jury was

8 thereby excused for the

9 day, to return on the

10 next day, January 16, 1997,

11 at 9:00 a.m.)

12

13

14 (These proceedings are continued

to

15 the next volume in this cause.)

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CERTIFICATION PAGE

THE STATE OF TEXAS)
THE COUNTY OF DALLAS)

I, Sandra M. Halsey, was the Official Court
Reporter of Criminal District Court Number 3, of

Dallas

County, Texas, do hereby certify that I reported in
Stenograph notes the foregoing proceedings, and that

they

have been edited by me, or under my direction and the
foregoing transcript contains a full, true, complete

and

accurate transcript of the proceedings held in this
matter, to the best of my knowledge.

I further certify that this transcript of the
proceedings truly and correctly reflects the

exhibits, if

any, offered by the respective parties.

SUBSCRIBED AND SWORN TO, this ____ day of
_____, 1997.

Sandra M. Day Halsey, CSR
Official Court Reporter
363RD Judicial District

Court

Dallas County, Texas

22

Phone, (214) 653-

5893

23

24 Cert. No. 308

25 Exp 12-31-98

Sandra

M. Halsey, CSR,

Official Court

Reporter

2221

1 STATE OF
TEXAS)
2 COUNTY OF
DALLAS)

3

4

JUDGES CERTIFICATE

5

6

7

8 The above and foregoing transcript, as
certified

9 by the Official Court Reporter, having been
presented to

10 me, has been examined and is approved as a true and
11 correct transcript of the proceedings had in the
12 foregoing styled cause, and aforementioned cause
number

13 of this case.

14

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MARK TOLLE, JUDGE

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Criminal District Court Number 3

22

Dallas County, Texas

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Sandra M. Halsey, CSR, Official Court Reporter

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