

## Testimony of Officer Charles Hamilton

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 Court Reporter  
1982

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  
Sandra M. Halsey, CSR, Official Court Reporter  
1988

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.

Sandra M. Halsey, CSR, Official Court Reporter  
1989

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

Sandra M. Halsey, CSR, Official Court Reporter

1992

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?

Sandra M. Halsey, CSR, Official Court Reporter  
1996

1 A. I did.

2 Q. Top, sides and bottom?

3 A. That's correct.

4 Q. Were you able to lift any latent  
5 fingerprints from that part of the frame, sir?

6 A. No, I was not.

7 Q. Okay. Were you able to lift any  
8 latent fingerprints whatsoever from this screen frame  
9 that I am holding, State's Exhibit 42-A?

10 A. I was not able to.

11 Q. Did you attempt to -- now, I'm just  
12 talking about the window itself and the screen here and  
13 the windowsill, did you attempt to lift any other latent  
14 fingerprints, specifically in the area of this window  
15 that you found open?

16 A. Yes.

17 Q. Okay. And where else did you try to  
18 lift latent fingerprints?

19 A. There were a number of objects in 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,  
Sandra M. Halsey, CSR, Official Court Reporter  
1997

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,  
Sandra M. Halsey, CSR, Official Court Reporter  
1998

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

Sandra M. Halsey, CSR, Official Court Reporter  
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  
Sandra M. Halsey, CSR, Official Court Reporter  
2010

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  
Sandra M. Halsey, CSR, Official Court Reporter  
2012

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.  
Sandra M. Halsey, CSR, Official Court Reporter  
2019

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.

Sandra M. Halsey, CSR, Official Court Reporter  
2021

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 MR. GREG DAVIS: Your Honor, at this

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  
2028

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  
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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  
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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 6th,

13 1996, in addition to the five hours of trying to lift the

14 prints, did you do anything else there at the house that

15 you recall at this time?

16 A. Yes.

17 Q. Okay. What else did you do?

18 A. I assisted another officer in taking

19 some measurements so he could generate a sketch at a

20 later time.

21 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

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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.  
Sandra M. Halsey, CSR, Official Court Reporter

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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

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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 you 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  
Sandra M. Halsey, CSR, Official Court Reporter  
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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

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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

Sandra M. Halsey, CSR, Official Court Reporter  
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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.  
Sandra M. Halsey, CSR, Official Court Reporter  
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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,  
Sandra M. Halsey, CSR, Official Court Reporter  
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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.

Sandra M. Halsey, CSR, Official Court Reporter  
2058

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

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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?  
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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  
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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  
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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.  
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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.

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  
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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.  
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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?  
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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 A. Yes, you would be, plus gloves, yes.  
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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?  
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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?

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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.

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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.  
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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.

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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?

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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?

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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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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  
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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  
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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?

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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

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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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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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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  
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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.

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2084

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.

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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.

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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?  
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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?  
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1 A. I don't note every negative result  
2 that I do in that sort of -- in any sort of  
3 investigation.  
4 Q. Whether it's not finding latents or  
5 not finding blood, is that the kind of negative results  
6 you're talking about?  
7 A. That's correct, that some of the  
8 results I would be talking about.  
9 Q. Okay.

10

11 MR. GREG DAVIS: No further questions.

12 THE COURT: You may step down. Any  
13 more?

14 MR. RICHARD C. MOSTY: Just a couple  
15 of things.

16

17 RECROSS EXAMINATION

18

19 BY MR. RICHARD MOSTY:

20 Q. On the photos that you see of the  
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, 404-B  
16 material. Also, no showing that they did not have  
17 overdraft authorization.

18 And we end up with a time sequence of  
19 May through June of 1996, and, again, five more  
20 overdrafts. Again, for the same reasons, this is  
21 404-type problems with the fact that there is no showing  
22 that they didn't have overdraft authorization. It would  
23 be prejudicial and would create a misleading and false  
24 impression before the jury as to their true financial  
25 status.

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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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1 simply gone through and lumped together a substantial  
2 period of time of banking activity of the Routier family.  
3 And there's been no showing as to why these records would  
4 be relevant at this time as to any issue in this case.  
5 You know, of course, they are making  
6 the offer, and as proponents of these records, the burden  
7 is on the State to show why they are relevant. And we  
8 would ask for some statement from the State, if they have  
9 one, as to why they are relevant.  
10 THE COURT: Well, Mr. Davis, why are  
11 these relevant?  
12 MR. GREG DAVIS: Yes, sir, they are  
13 relevant on several different points. They are very  
14 relevant on motive. It's very relevant as to what this  
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  
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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  
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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.

18 But again, what Mr. Mulder is saying  
19 is that what we have got, are simply financial records  
20 that many people have had, and that aren't any different  
21 than anyone else.

22 I don't see how, just the mere  
23 statement by the State and the prosecutor that these are  
24 relevant doesn't cut it. That they have to show more  
25 than that. They have to show that this has some bearing,  
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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.  
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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.  
20 But, in other words, what the ruling  
21 is, when it is offered at the appropriate time, all  
22 things being the same as they are now, the Court will  
23 admit the document and you will not have to object before  
24 the jury as being the intent of the Court to make this  
25 ruling. So as to preserve any error that there may be in  
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1 the ruling for the defense.  
2 All right?  
3 MR. DOUGLAS MULDER: Fine.  
4 THE COURT: Thank you.