

## Testimony of James Cron (1)

### DIRECT EXAMINATION

11

12 BY MR. GREG DAVIS:

13 Q. Sir, would you please tell us your  
14 full name.

15 A. James Cron.

16 Q. Spell your last name.

17 A. C-r-o-n.

18 Q. Mr. Cron, you live in Dallas County?

19 A. Yes.

20 Q. Okay. How are you employed at this  
21 time?

22 A. I'm a consultant in the field of crime  
23 scene search, fingerprints and physical evidence.

24 Q. All right. Recently, within the last  
25 few years, have you been retired from the Dallas  
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1 Sheriff's Department?

2 A. Yes.

3 Q. Okay. And how long were you with the  
4 Dallas Sheriff's Department?

5 A. 29 years.

6 Q. Okay. And before the Dallas Sheriff's  
7 Department, were you employed in law enforcement?

8 A. Yes.

9 Q. And, where were you employed?

10 A. As a civilian employee with the Dallas  
11 Police Department.

12 Q. All right. Let's start with the  
13 Dallas Police Department first. What were your duties  
14 while you were with the Dallas Police Department?

15 A. Well, in 1958, I joined the Dallas  
16 Police Department as a civilian employee in the crime  
17 scene search section. And my duties involved clerical  
18 work, and assisting in processing evidence. And I  
19 learned, at that time, some of the officers taught me  
20 crime scene investigation and photography.

21 Q. All right. How long were you with the  
22 Dallas Police Department?

23 A. Six years.

24 Q. Okay. So when did you start with the  
25 Sheriff's Department in Dallas?

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1 A. 1964.

2 Q. Okay. What were your duties with the  
3 Dallas Sheriff's Department?

4 A. In 1964, when I joined the Dallas  
5 Sheriff's Department, it was as a deputy sheriff assigned  
6 to the identification bureau. My duties involved the  
7 keeper of the fingerprint files, and the crime scene  
8 search investigations.

9 Q. Okay. You were talking about the  
10 identification bureau, do they deal with fingerprints?

11 A. Yes.

12 Q. Okay. For instance, would they deal  
13 with inmates' fingerprints, of people in the Dallas  
14 County jail, for instance?

15 A. Yes.

16 Q. You also mentioned that you were with  
17 the crime scene department there at the Sheriff's  
18 department, what were your duties with that section?

19 A. Well, in the identification bureau,  
20 part of the duties involved not only keeper of the  
21 fingerprint records of the inmates, but it was crime  
22 scene investigation.

23 In 1972, I was promoted to sergeant  
24 and told to create a separate section that devoted all of  
25 it's time to crime scene search activity, and that was  
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1 the physical evidence section. I remained commander of  
2 it for 21 years. During that time, I was promoted to  
3 lieutenant. But I was commander of the physical evidence  
4 section for 21 years. And I retired in '93 as a  
5 lieutenant of that section.

6 Q. Okay. In 1993, were you still the  
7 commander of the physical evidence section at that time?

8 A. Yes. I was its only commander from  
9 the time it was formed in 1972 until the time I retired.

10 Q. Okay. The total number of years now  
11 that you have been in law enforcement, doing crime scene  
12 work, and dealing with fingerprints, et cetera, how many  
13 years?

14 A. 39 years. Counting my consulting time  
15 which I devote to crime scene search matters.

16 Q. Are you a member at this present time  
17 of any professional associations or societies?

18 A. Yes.

19 Q. What associations or societies are you  
20 presently a member of?

21 A. I assume you're talking about those  
22 that deal with the crime scene search matters?

23 Q. Yes, sir.

24 A. International Association for  
25 Identification, and the Texas Division of the  
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1 International Association for Identification.

2 Q. What is the Society for  
3 Identification? What is that?

4 A. It's an international society of  
5 people in the profession of physical -- in dealing with  
6 physical evidence, and forensic sciences, any aspect of  
7 crime scene investigation.

8 Q. Okay. In the past, have you been a  
9 member of any other societies or associations dealing  
10 with that area?

11 A. Yes.

12 Q. Could you just name a few of those for  
13 us, please?

14 A. International Association for  
15 Bloodstain Analysts, the Homicide Investigator,  
16 Association of Homicide Investigators of Texas, that's  
17 two of them.

18 Q. Okay. Can you give us a brief  
19 overview of the training, either through universities or  
20 the like or other police agencies that you have received  
21 in crime scene reconstruction, fingerprints, the area  
22 that you are now a consultant in?

23 A. Yes. In addition to my 39 years  
24 beginning in '58 at the Police Department in Dallas and  
25 the Sheriff's Department in the consulting business, I  
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1 have attended numerous schools, dealing with physical  
2 evidence and latent print subjects.  
3 Some of them being at the FBI Academy  
4 in Quantico, Virginia, Burlington County College in New  
5 Jersey, Toronto, Canada Police Department, regional  
6 police academies and sheriff's departments academies in  
7 the State of Texas, Council of Government in Arlington,  
8 Texas, which is a North Central Texas area training  
9 academy.

10 I have attended courses put on by the  
11 Northwestern University out of Illinois, the National Law  
12 Enforcement Institute. And, well, that is the primary  
13 courses.

14 And I did mention, I believe, that  
15 these courses involved crime scene search procedures,  
16 latent print development and comparison, photography and

17 matching of physical evidence.  
18 I now teach in the subject of crime  
19 scene search, latent print development and comparison,  
20 and crime scene search procedures in general.  
21 Some of the places I have taught or  
22 still teach at are SMU, Texas A & M, Dallas Baptist  
23 University, Texas Women's University in Denton, Dallas  
24 County Community College District, local sheriff's  
25 departments, in the Dallas, I mean in Texas, and police  
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1 departments. I have taught at Tacoma, Washington,  
2 Denver, Colorado Police Department, and, just -- Navarro  
3 County Junior College in those areas.  
4 I have had material written, or  
5 published that I have written on the subject of evidence,  
6 photography, laser usage in law enforcement, and ethics  
7 of law enforcement consultants.  
8 These have been published in technical  
9 journals, some of them being the Fingerprint  
10 Identification magazine, the Journal for Forensic  
11 Identification.  
12 I have received, approximately, 150  
13 awards and commendations through my career. And when I  
14 retired I received the Governor's Law Enforcement  
15 Achievement Award for excellence in my field of law  
16 enforcement.  
17 I am now chairman of -- well, not  
18 chairman, I am a member of the Committee for Crime Scene  
19 Certification in Texas. I have been Chairman of the  
20 Latent Prints Certification Committee. I was on that  
21 committee for three years in Texas.  
22 Q. Okay. You talked about your  
23 certification in crime scene search, and also in latent  
24 fingerprint identification. Are there certain  
25 certificates that you now hold in your specialties?  
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1 A. Yes.  
2 Q. Okay. What certificates do you  
3 presently hold?  
4 A. I am a certified latent print examiner  
5 and a certified senior crime scene analyst.  
6 Q. Okay. With regards to the latent  
7 fingerprint identification, what sort of requirements do  
8 you have to meet to become certified, as you are?  
9 A. On latent prints?

10 Q. Yes, sir.

11 A. On the latent print when there is --

12 it's a several part test, some of it is involving

13 comparing unknown prints with known prints. There's very

14 little margin for error. They have changed the test

15 somewhat now. I believe you can miss two out of ten,

16 there is a written test, an oral exam, and a mock trial.

17 And a background check, too, of the committee to see if

18 the people are qualified, and their other schooling fits

19 our criteria.

20 Q. What other certifications do you hold?

21 A. The senior crime scene analyst.

22 Q. Okay. Is there any level higher than

23 a senior crime scene analyst in that particular field?

24 A. No. Not from the International

25 Association of Identification which issues the

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1 certification?

2 Q. Mr. Cron, in your 39 years, have you

3 had occasion to go out and investigate crime scenes and

4 process crime scenes?

5 A. Yes.

6 Q. This may be a hard question. You got

7 any ball park figure of the number of crime scenes that

8 you have gone out to in 39 years?

9 A. Yes. I was asked that in another case

10 and I have some -- and had done some research on that.

11 And counting civil cases and crime scene cases, all cases

12 I have been involved in the last 38 years, 39 years, is

13 approximately 21,000.

14 Q. Okay. And of the 21,000 crime scenes,

15 do you know about how many of those would deal with death

16 cases?

17 A. With deaths, it was approximately

18 4,300.

19 Q. Okay. And included in those death

20 cases, would there be homicides?

21 A. Yes, all deaths, homicides are some of

22 them.

23 Q. Okay. Just a couple of things.

24 Before we came down here to Kerrville, did you and I --

25 had we had occasion to talk about this case before?

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1 A. Yes.

2 Q. Both in person and over the telephone,

3 we have talked, haven't we?

4 A. Yes.  
5 Q. Have I met you at my office on some  
6 occasions?  
7 A. Yes.  
8 Q. Have we ever met together out at 5801  
9 Eagle Drive?  
10 A. Once.  
11 Q. Okay. Since we have been down here in  
12 Kerrville, have we talked about your testimony and about  
13 the case?  
14 A. Yes.  
15 Q. Okay. By the way, are you being paid  
16 to testify in this case, Mr. Cron?  
17 A. No.  
18 Q. How long have you had to be down here  
19 in Kerrville?  
20 A. I came down last Tuesday, flew back  
21 Friday night, came back Sunday, so, going on two weeks.  
22 Q. All right. Well, let me, if I can,  
23 let's go here to June the 6th of 1996. Let me ask you  
24 whether sometime early in the morning on June 6th, 1996,  
25 if you received a call from the dispatcher for the  
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1 Rowlett Police Department?  
2 A. I did.  
3 Q. Okay. And do you remember about what  
4 time it was that you were called?  
5 A. Yes, around 5:00 A.M.  
6 Q. Okay. And how far away from Rowlett  
7 do you live?  
8 A. I never did -- it's about a 15 minute  
9 drive.  
10 Q. You live in, generally, the same area,  
11 the northeastern part of Dallas County, right?  
12 A. Yes.  
13 Q. Okay. What information were you given  
14 when you were called by the dispatcher? What did you  
15 understand that she wanted you to do?  
16 A. The dispatcher didn't relay much  
17 information, just said that the crime scene officers from  
18 Rowlett asked if I would meet them on Eagle Drive. They  
19 had a homicide investigation that they would like my  
20 assistance on.  
21 Q. Okay. Had you had some prior  
22 association with the Rowlett Police Department prior to  
23 June 6, of 1996?  
24 A. Yes, over the past 15 or 20 years.

25 Q. Okay. I guess just trying to  
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1 understand why they called you. Can you tell us a little  
2 bit about how you had been associated with Rowlett prior  
3 to that date?

4 A. Well, through the sheriff's office  
5 physical evidence section I dealt with them for many  
6 years. Since I retired, from '93, I have conducted three  
7 different schools there for their officers.

8 Q. Okay. Did you go out to 5801 Eagle  
9 Drive in Rowlett?

10 A. Yes.

11 Q. Do you know about what time that you  
12 arrived at the scene, sir?

13 A. Yes, it was about, approximately 5:45.

14 Q. All right. And, when you got there  
15 did you meet with anyone?

16 A. Yes.

17 Q. Do you recall who you met with first?

18 A. Sergeant Nabors, Officer Mayne, and  
19 Sergeant Matt Walling.

20 Q. Where did you meet these people?

21 A. Well, they came towards my car when I  
22 pulled up. It was on the street, at my car.

23 Q. Okay. What was the condition of the  
24 crime scene when you got there at 5:45 or 6:00 that  
25 morning?

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1 A. The exterior?

2 Q. Yes, sir.

3 A. Oh, there was a barrier tape around  
4 the perimeter.

5 Q. All right. When you first talked with  
6 David Mayne, Matt Walling and David Nabors, were you  
7 still outside the taped area?

8 A. Yes.

9 Q. Did you remain outside the taped area  
10 or did you move inside at some point?

11 A. We eventually moved inside.

12 Q. Did you continue talking with them?

13 A. Yes.

14 Q. In general, what types of things were  
15 you talking with these gentlemen about?

16 A. Well, I asked them, you know, what  
17 type of situation did they have. I mean, I was informed

18 it was a homicide, and I asked them how many bodies, and  
19 did it occur inside or outside the house.

20

21 MR. JOHN HAGLER: Your Honor, we would  
22 object to any hearsay statements of this witness under  
23 Rule 802.

24 THE COURT: Well, I'll sustain that.

25 Just say what you said.

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1 MR. GREG DAVIS: Well, this witness is

2 testifying -- I asked him what he said.

3 THE COURT: Well, we understand that.

4 I'm sure that is just a precautionary objection.

5

6 BY MR. GREG DAVIS:

7 Q. Mr. Cron, again, you can relate to us

8 what you may have said to these officers, don't relate  
9 back what they said. But were you asking questions of  
10 them?

11 A. Yes.

12 Q. What types of questions did you ask  
13 them out there that morning?

14 A. I asked them -- I needed to know what  
15 areas would I need to be looking at concerning the  
16 evidence. I need to know if it was inside or outside or  
17 a combination of both at the scene, how many victims. I  
18 knew it was two stories, so I needed to know what was  
19 upstairs and downstairs.

20 Q. Did you have a chance to talk  
21 specifically with Sergeant Matt Walling, ask him  
22 questions also?

23 A. I did.

24 Q. Okay. And, again, these  
25 conversations, are they still being held outside the  
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1 house at this point?

2 A. It was a running conversation, but,  
3 yes, at that point it was outside.

4 Q. Okay. And, did you have some purpose  
5 in talking with these officers? Did you plan to do  
6 something after you spoke with them?

7 A. Yes.

8 Q. And what did you plan to do after you  
9 finished speaking with them?

10 A. To inspect or walk through the scene.

11 Q. Okay. Inside 5801 Eagle?

12 A. Yes.

13 Q. Okay. Can you tell the members of the  
14 jury, what is the purpose of walking through a crime  
15 scene?

16 A. To -- well, to get a game plan  
17 organized, to see, do a visual inspection, not really  
18 doing anything but visually inspecting the crime scene to  
19 determine what action, what equipment you need. And,  
20 well, that is basically it, have a game plan to collect  
21 and process it properly.

22 Q. Did you feel that it was necessary to  
23 talk with the officers there before you came up with your  
24 game plan?

25 A. Oh, yes.

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1 Q. Necessary to get information back from  
2 them?

3 A. Yes.

4 Q. Do you recall what time it was that  
5 you actually began walking through this crime scene?

6 A. It was -- there was an officer logging  
7 in the time, but my recollection is, it was 6:10 or 6:11,  
8 right in there.

9 Q. All right. Did you, in fact, enter  
10 into the house?

11 A. Yes.

12 Q. Okay. Who did you go into the house  
13 with?

14 A. Sergeant Walling, Matt Walling and  
15 Mayne, David Mayne.

16 Q. Okay. Before you actually went into  
17 the house, did you see anything at the front of the house  
18 that caught your attention that you made a mental note  
19 of?

20 A. Well, the only thing that was unusual  
21 would be the front porch where there was some blood. And  
22 it looked like medical, you know, I'm trying to think of  
23 the word, tape and medical supplies.

24 Q. Okay. Let me see if I can get a  
25 photograph and have you look at it, Mr. Cron. If you  
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1 will look at State's Exhibit 24, do you recognize what's  
2 depicted in that photograph, sir?

3 A. Yes.

4 Q. Okay. What is depicted in State's  
5 Exhibit No. 24?

6 A. A bloody rag or cloth.

7 Q. Okay. Were these items still in the  
8 same position when you went into the house as they are  
9 shown here in State's Exhibit No. 24?

10 A. Yes.

11 Q. Anything else that you noticed there  
12 on the front porch, before you went inside the house?

13 A. Not anything outstanding.

14 Q. All right. Where did you go to next  
15 once you went inside the house?

16 A. I went into the foyer and leading into  
17 the hallway to go to the rear of the house.

18 Q. All right. And what did you and the  
19 other three officers do once you went into the foyer?

20 A. It was strictly for observation  
21 purposes. I just looked at the floor, the walls, the  
22 ceiling, and the adjacent rooms to the left and right.

23 Q. Okay. Did you have a chance to look  
24 into the living room which is to the left?

25 A. Yes.

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1 Q. Did you notice anything unusual when  
2 you looked inside the living room?

3 A. Nothing unusual. I was looking for  
4 the unusual and I didn't see anything.

5 Q. What sorts of things were you looking  
6 for when you looked in the living room?

7 A. Well, the obvious thing, of course,  
8 what I was looking for at first was blood. Or what  
9 appeared to be blood.

10 Q. Didn't see any blood in the living  
11 room?

12 A. No.

13 Q. How about in the entryway and the  
14 hallway?

15 A. There was blood in the entryway and  
16 hallway.

17 Q. All right. What did you do once you  
18 observed the entryway and the hallway, what did you do?

19 A. Continued on down the hallway to the  
20 place, what would be called the family room or den and  
21 kitchen.

22 Q. Okay. And when you got to the family  
23 room, what is it that you did at that point?

24 A. Observed, saw -- you want me to tell  
25 you what I saw?

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1 Q. Yes, sir.

2 A. There was several areas on the carpet  
3 that had excessive amounts of blood. There was a dead  
4 child in the back part of the room. And the coffee table  
5 was sort of knocked ajar, and that was it. And, blood.  
6 I didn't do a detailed, hands-on examination at that  
7 point.

8 Q. Okay. Well, as you are doing this  
9 walk-through, is the purpose of this walk-through to  
10 collect, or to touch, or move evidence?

11 A. No.

12 Q. Okay. Are you simply observing at  
13 this point?

14 A. Yes.

15 Q. The other three officers with you, are  
16 they still with you observing like you are?

17 A. Yes.

18 Q. You had mentioned when you went inside  
19 the family room that you noticed a flower arrangement; is  
20 that correct?

21 A. Well, there was a coffee table, and  
22 yes, it had a flower arrangement on top of it.

23 Q. Okay.

24

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

9

10 BY MR. GREG DAVIS:

11 Q. Let me ask you, Mr. Cron, if you will  
12 please look at State's Exhibit 47-A and 47-B. First of  
13 all, 47-A does that truly and accurately depict a portion  
14 of the family room as it appeared when you walked through  
15 there on June 6th, 1996?

16 A. Yes.

17 Q. State's Exhibit 47-B, do you recognize  
18 that picture also? Does it truly and accurately depict  
19 that portion of the family room as it appeared on June  
20 6th, 1996?

21 A. Yes.  
22 MR. GREG DAVIS: Your Honor, at this  
23 time we will offer State's Exhibit 47-A and 47-B.  
24 MR. RICHARD C. MOSTY: No objection.  
25 THE COURT: State's Exhibit 47-A and  
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1 47-B are admitted.  
2  
3 (Whereupon, the above  
4 Mentioned items were  
5 Received in evidence  
6 As State's Exhibit  
7 Nos. 47-A and 47-B,  
8 For all purposes, after  
9 Which time, the  
10 Proceedings were  
11 Resumed in open court,  
12 As follows:)

13  
14 BY MR. GREG DAVIS:  
15 Q. Mr. Cron, looking at the flower  
16 arrangement shown in State's Exhibit No. 47-A, did you  
17 see that when you walked in there that morning, sir?  
18 A. Yes.  
19 Q. Did you have an opportunity to  
20 visually inspect that flower arrangement?  
21 A. Yes.  
22 Q. Did you also have a chance to look at  
23 the glass table that the vase and the flowers were on?  
24 A. I did.  
25 Q. Okay. Now, when you had an  
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1 opportunity to look at this flower arrangement, sir, did  
2 you inspect it to determine whether or not you could see  
3 any blood on any of the floral arrangement itself?  
4 A. Some of my inspection and closer  
5 inspection of it came after the initial walk-through.  
6 But, yes, I did inspect it.  
7 Q. Okay. Let me ask you: Were you able  
8 to see any blood on the flower arrangement itself?  
9 A. No.  
10 Q. Okay. How about the flowers, the  
11 stems or any of the leaves here, did you inspect it to  
12 determine whether or not any of the flowers or any of the  
13 other elements of the flower arrangement had been broken?

14 A. I did.  
15 Q. And, was anything broken on this  
16 flower arrangement, sir?  
17 A. I couldn't see any broken parts.  
18 Q. Did you have a chance to look at the  
19 vase, also?  
20 A. Yes.  
21 Q. Did you try to determine whether or  
22 not you could see any blood on the vase?  
23 A. I did.  
24 Q. And what was the result?  
25 A. It was negative. I didn't see any  
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1 blood.  
2 Q. Okay. How about the vase itself?  
3 Could you see any evidence that it was broken, chipped or  
4 damaged in any way when you saw it on June 6th, 1996?  
5 A. No, it appeared to be intact.  
6 Q. Okay. Let me ask you about the glass  
7 top, the area surrounding the flower arrangement. Did  
8 you look at the area to determine whether or not you  
9 could see any sort of cracks or breaks or defects in the  
10 glass anywhere around this flower arrangement, sir?  
11 A. Yes.  
12 Q. Okay. Any chips perhaps out of it?  
13 Did you look for those, also?  
14 A. I did.  
15 Q. Sir, could you see any damage  
16 whatsoever to the top portion of that glass top when you  
17 looked at it on June 6th, 1996?  
18 A. No.  
19 Q. The items shown in State's Exhibit  
20 47-B, do you recognize that?  
21 A. Yes.  
22 Q. What is that?  
23 A. It's a standing lamp with the shade  
24 partially down.  
25 Q. Okay. Let me ask you: First of all,  
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1 did you inspect the lamp shade itself to determine  
2 whether or not there was any blood on the lamp shade?  
3 A. Yes.  
4 Q. And what was the result of your  
5 inspection?  
6 A. There was -- I saw no blood on the  
7 lamp shade.

8 Q. Did you inspect the lamp shade to  
9 determine whether or not you could see any tears?  
10 A. Yes.  
11 Q. And what was the result?  
12 A. I didn't see any.  
13 Q. All right. Let me just be more  
14 general. Did you inspect the lamp shade to determine  
15 whether or not you could see any damage at all to this  
16 lamp shade?  
17 A. Yes.  
18 Q. And what was the result?  
19 A. I didn't see any damage.  
20 Q. No creasing, no tears, nothing like  
21 that?  
22 A. No, outside of regular fraying wear  
23 along the rim, but no tears, no dents, scratches, blood.  
24 Q. Okay. Let's talk about the visible  
25 portion. Was this a floor lamp of some sort?  
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1 A. Yes. I said standing, a floor lamp is  
2 what I mean.  
3 Q. All right. Let's talk about part of  
4 the stem here that we can actually see in this photograph  
5 leading up to the light bulb and the other area here that  
6 would hold the shade.  
7 Let's just start from the top down.  
8 Okay? The portion of this lamp that would have held the  
9 lamp shade, did you inspect that to determine whether or  
10 not there was any damage to it?  
11 A. Yes.  
12 Q. Was there any damage to the top part  
13 of that?  
14 A. No.  
15 Q. Did you inspect it to determine  
16 whether or not you could see any blood on it?  
17 A. I did.  
18 Q. What was the result?  
19 A. I found no blood.  
20 Q. Let's go to the light bulb itself.  
21 Any damage that you could detect to the light bulb?  
22 A. No.  
23 Q. How about blood on the light bulb?  
24 A. No.  
25 Q. Let's go from the portion down all the  
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1 way to where it's hidden by the lamp shade itself. Any  
2 visible damage to that part of the lamp shade, to that  
3 lamp stand?

4 A. No.

5 Q. Any blood on that portion of the lamp  
6 stand?

7 A. No.

8 Q. Now, did you continue down and did you  
9 inspect the lower portion of that lamp stand to determine  
10 whether or not you could see any damage?

11 A. I did.

12 Q. And, what was the result?

13 A. I saw no damage.

14 Q. Any blood?

15 A. No, sir.

16 Q. Can you describe the base to this  
17 lamp?

18 A. As what color or you mean --

19 Q. Well, shape.

20 A. Shape, yes. Probably not that -- but  
21 it was rounded.

22 Q. Okay.

23 A. I mean I don't remember exactly.

24 Q. Okay. Did you look at it that day?

25 A. Yes.

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1 Q. What types of things were you looking  
2 for?

3 A. Oh, I was looking to see if it had  
4 been moved, if there were any carpet indentations which  
5 occur when an item has been on a carpet for a good while.  
6 That is what I was looking for.

7 Q. All right.

8 A. Besides blood and damage.

9 Q. All right. Well, let's turn to blood  
10 and damage first. Any damage to the base of that lamp?

11 A. No.

12 Q. Any blood on the base of that lamp?

13 A. I didn't find any.

14 Q. All right. Now, when you took a look  
15 at the base to see if you could see the other patterns  
16 that would indicate it had been moved, could you see any  
17 other indentations or patterns on that carpet that  
18 indicated that thing had been moved?

19 A. No.

20 Q. Or jostled?

21 A. I didn't see any.

22 Q. Did the lamp appear to be in the

23 position where it had originally been?

24 A. Yes.

25 Q. And do I understand you to say that  
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1 you basically then did a complete walk-through of the  
2 family room looking at it in general, right?

3 A. Yes.

4 Q. When you finished up walking through  
5 the family room, what is the next area of the house that  
6 you and the other officers went to?

7 A. The --

8 Q. Well, let me just back up here. Let  
9 me ask you a question here before I take you to another  
10 part of the house.

11 When you finished, you had gone  
12 through the entry, the hallway and now you have looked  
13 through the family room. Okay?

14 A. Um-hum. (Witness nodding head  
15 affirmatively.)

16 Q. At that time, did you form any  
17 opinions about what you had seen in that house at that  
18 point?

19 A. No.

20 Q. Okay. Why not? I mean you had  
21 already seen the entryway, the hallway and the family  
22 room. Why didn't you?

23 A. Well, I hadn't finished with the  
24 entire scene. There was nothing visible to make me form  
25 any opinions.

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1 Q. Okay.

2 A. Outside of planning what evidence  
3 needed to be collected and so forth.

4 Q. Well, why did you think it was  
5 necessary to see the remainder of the scene?

6 A. Well, that is just good crime scene  
7 policy, not to make any judgments on what occurred until  
8 you see all of the area to get the entire picture.

9 Q. All right. What is the next area that  
10 you did look at?

11 A. The kitchen.

12 Q. Okay. And describe for us, if you  
13 will, what the kitchen looked like when you first went in  
14 there?

15 A. There was --

16 Q. What did you see?

17 A. -- some blood on the floor, more in  
18 the areas you step from the den or family room into the  
19 kitchen, there was blood on the floor, broken glass,  
20 there was a vacuum cleaner lying on the floor, there was  
21 a wine rack immediately to the right.  
22 To the left there was some open  
23 drawers, with some bloody cloth items on top of the  
24 drawers. There was a few drops -- as we progressed  
25 through the kitchen, I noticed there was some drops of  
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1 blood on the floor leading into the utility room.

2 Q. Okay. Did you look at -- were you  
3 looking for anything specific when you went into the  
4 kitchen, or were you just trying to take an overall view  
5 of the situation?

6 A. No, when you conduct a crime scene  
7 like that, you just do an overall, try to spot things  
8 that, naturally, like blood, that should not be there.  
9 And I saw blood and glass and the vacuum cleaner, that  
10 was the primary things.

11 Oh, there was one thing I forgot.  
12 There was a knife on the counter dividing the kitchen  
13 from the family room. I forgot to mention that. There  
14 was a bloody knife laying on the edge of the counter.

15 Q. Okay. So you saw the knife on the  
16 counter, you looked through the kitchen. The other three  
17 officers staying with you during this time?

18 A. Yes.

19 Q. Are you-all talking as you are going  
20 through here?

21 A. Yes.

22 Q. Okay. Are you-all walking in single  
23 file in some sort of order, or are you-all just walking  
24 through here? How are you doing it?

25 A. We were not walking in any single  
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1 file. It's difficult to walk through those scenes when  
2 there is blood all over the floor and glass, but we were  
3 trying not to step on things. But, no, we were not in  
4 single file.

5 Q. Okay. After you finished the kitchen,  
6 where did you-all go to?

7 A. The utility room.

8 Q. And, what did you notice when you went  
9 into the utility room?

10 A. Blood on the door, there was a cap on  
11 the floor, some blood on the floor and on the -- some  
12 machines in the utility room.

13 Q. Okay. You have gone through the  
14 living room, the kitchen and the utility room, had you  
15 noted blood on the floor in the hallway?

16 A. Yes.

17 Q. Had you noted blood on the floor in  
18 the family room?

19 A. Yes.

20 Q. Had you noted blood on the floor in  
21 the kitchen?

22 A. In part of the kitchen, yes.

23 Q. Okay. Had you also noted blood on  
24 some parts of the floor in the utility room?

25 A. Yes.

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1 Q. Did you then have occasion to go out  
2 into the garage?

3 A. I did.

4 Q. And, what was the condition of the  
5 garage when you first went out there?

6 A. Well, I noticed a window partially, or  
7 you know, raised, a cut screen, the overhead door was  
8 shut. Are you talking about after I finished, or just my  
9 initial --

10 Q. Just the initial walk-through.

11 A. Oh, okay. On the initial, the door  
12 was shut, the window was open, the screen was cut and it  
13 was cluttered, typical garage that was used for storage  
14 and some cluttered areas.

15 Q. Okay. Well, when you went out there,  
16 were you looking for evidence of blood in the garage,  
17 too?

18 A. Yes.

19 Q. Okay. Where were you looking?

20 A. Primarily on the floor, of course, the  
21 doorways and anything arm level or hand level.

22 Q. All right. Well, let's start with the  
23 floor then. Did you see any blood on the floor of the  
24 garage?

25 A. No.

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1 Q. And did you look for that?

2 A. Yes.

3 Q. Did you go, at that time, did you go

4 back to look at the overhead door, the back door to the  
5 garage?

6 A. Yes.

7 Q. Okay. And, what were you looking for  
8 when you went back there to that garage door?

9 A. Bloody prints, or any type of floor  
10 evidence, which would be maybe pieces of glass from the  
11 kitchen floor because there was broken glass on the  
12 kitchen floor.

13 I was looking for blood on the door, I  
14 wanted to see if the door was latched or not. Basically  
15 that was it, because I was making a plan of what to go  
16 back and do later in the garage.

17 Q. When you went over there to that area,  
18 were you looking for glass on the floor?

19 A. Yes.

20 Q. Did you see any glass on the floor  
21 over there by that garage door?

22 A. No.

23 Q. Were you looking for blood on the  
24 floor?

25 A. Yes.

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1 Q. Did you see any blood on that portion  
2 of the garage floor?

3 A. No.

4 Q. Were you looking for evidence of blood  
5 on the garage door itself?

6 A. Yes.

7 Q. And, did you see any blood on the back  
8 door or the overhead door to that garage?

9 A. None.

10 Q. Did you have occasion while were you  
11 in the garage then to go over to a window that was open?

12 A. Yes, I did.

13 Q. Okay. And, what types of things were  
14 you looking for in that part of the garage?

15 A. Same thing. I was looking for a  
16 trail, be it blood, glass, disturbance, that is areas  
17 disturbed to possibly follow the trail of an intruder.

18 Q. Okay. Let's talk about this part of  
19 the garage floor. Did you see any evidence of glass on  
20 the floor?

21 A. No.

22 Q. Blood on the floor?

23 A. No.

24 Q. Did you have a chance to look at the  
25 window itself to look at it for evidence of blood?

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1 A. Yes.  
2 Q. Did you see any blood on that open  
3 window?  
4 A. None.  
5 Q. Did you have a chance to look at the  
6 windowsill?  
7 A. Yes.  
8 Q. Did have you a chance to examine it  
9 for evidence of blood?  
10 A. I did.  
11 Q. And did you see any blood on the  
12 windowsill there at that window?  
13 A. No, it had a fairly thick layer of  
14 dust over the entire windowsill.  
15 Q. How about the items over there close  
16 to the window, did you look at them also for evidence of  
17 blood?  
18 A. Yes, I did, from head height down.  
19 Q. Any evidence of any blood on any items  
20 close to the window?  
21 A. No.  
22 Q. Okay.  
23  
24 (Whereupon, the following  
25 mentioned items were  
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1 marked for  
2 identification only  
3 after which time the  
4 proceedings were  
5 resumed on the record  
6 in open court, as  
7 follows:)  
8  
9 BY MR. GREG DAVIS:  
10 Q. You had mentioned the windowsill and  
11 how it appeared that day. Mr. Cron, let me show you  
12 what's been marked as State's Exhibits 41-A and 41-B. Do  
13 you recognize those, sir?  
14 A. I do.  
15 Q. And do they truly and accurately  
16 depict the window, a portion of the window and the  
17 windowsill as they appeared on June 6th, 1996?  
18 A. Yes.  
19 Q. First one being, 41-A being an inside

20 shot, 41-B being a photograph taken from the outside; is  
21 that right?

22 A. That's right.

23

24 MR. GREG DAVIS: Your Honor, at this

25 time we will offer State's Exhibits 41-A and 41-B.

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1 MR. RICHARD C. MOSTY: No objection.

2 THE COURT: State's Exhibits 41-A and

3 41-B are admitted.

4

5 (Whereupon, the items

6 Heretofore mentioned

7 Were received in evidence

8 As State's Exhibit

9 Nos. 41-A and 41-B

10 For all purposes,

11 After which time, the

12 Proceedings were resumed

13 As follows:)

14

15 BY MR. GREG DAVIS:

16 Q. Mr. Cron, with the Court's permission,

17 could you please step down here and just show us what the

18 two photographs show us here.

19 A. Yes, sir. Let me step back here.

20

21 THE COURT: Okay.

22

23 (Whereupon, the witness

24 stepped down from the

25 witness box, and approached

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1 the jury rail, for the

2 purpose of further describing

3 the exhibit to the jury.)

4

5 THE WITNESS: What was the question

6 again?

7

8 BY MR. GREG DAVIS:

9 Q. Okay. First, just in general, show us

10 what State's Exhibits 41-A and 41-B show us.

11 A. 41-A is a shot inside the garage

12 directly down over the sill, the windowsill. It shows

13 the length of the sill here.

14 In the right hand corner is part of a  
15 cat cage or an animal cage. And on the left, is a --  
16 well, you see it better here, is an animal container or  
17 litter box container with a cardboard box on the left.  
18 It shows the cut screen and on the outside brick sill.  
19 Q. Okay.  
20 A. 41-B is a shot from the outside  
21 showing the inside, excuse me, from the outside aiming  
22 inside the window, showing the cut screen, it was cut  
23 across the top and then down vertically, the flaps  
24 overlap, the brick outer sill, the wooden inner sill and  
25 the cage.  
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1 Q. Okay. You said the objects here on  
2 the left-hand side, well, actually it's going to be the  
3 right-hand side of 41-A. Is that some sort of animal  
4 cage?  
5 A. Yes.  
6 Q. How did you determine that?  
7 A. Well, it was obvious. I mean, it had  
8 food bowls, water bowls inside, it had wire across the  
9 wooden frame, it had a door with a latch on it.  
10 Q. How many animals were in there that  
11 morning?  
12 A. I can't recall. I don't believe any.  
13 No, there wasn't one in that cage.  
14 Q. Okay. So it's a cage, some sort of an  
15 animal cage. No animals in there that morning; is that  
16 right?  
17 A. Not at that time. There was another  
18 cage that had an animal in it, not this one.  
19 Q. Where was that cage located?  
20 A. In the family room.  
21 Q. When you were looking at this area,  
22 the windowsill portion of this window, what types of  
23 things were you looking for?  
24 A. Signs of an intruder going through it.  
25 Disturbed dust, foot prints, blood, any outside debris  
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1 that might have been carried in through the clothing or  
2 shoes of the intruder such as bark, mulch, any type of  
3 damp vegetation, just any signs that an entry and exit  
4 was made through the window, foreign material and  
5 disturbed areas.  
6 Q. Sir, did you find any scuff marks or  
7 shoe prints, foreign material or any evidence whatsoever

8 that an entry had been made either in or out of that  
9 window shown in State's Exhibit No. 41-A?

10 A. No. There was a solid layer of dust  
11 along the entire length of the white windowsill and it  
12 was undisturbed.

13 Q. What do mean undisturbed?

14 A. There was no streaks through it, no  
15 signs of movement through it. It was an even layer, it's  
16 sort of like new fallen snow. It was obvious that  
17 nothing had gone through it.

18 Q. Okay.

19

20 THE COURT: Does the jury need a  
21 break?

22 A JUROR: Yes, sir.

23 THE COURT: All right. Let's take a  
24 brief, five minute break here.

25

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1 (Whereupon, a short  
2 recess was taken, after  
3 which time, the  
4 proceedings were  
5 resumed in open court,  
6 in the presence and  
7 hearing of the  
8 Defendant, being  
9 represented by his  
10 Attorney, but outside of  
11 the presence of the jury  
12 as follows:)

13

14 THE COURT: Are both sides ready to  
15 bring the jury back in?

16 MR. GREG DAVIS: Yes, sir, we are  
17 ready.

18 MR. DOUG MULDER: Yes, sir, the  
19 defense is ready.

20 THE COURT: All right. Bring the jury  
21 in, please.

22 THE COURT: All right. Be seated  
23 please. Let the record reflect that all parties at trial  
24 are present and the jury is seated. Please continue, Mr.  
25 Davis.

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1 MR. GREG DAVIS: Thank you, Judge.

2

3 BY MR. GREG DAVIS:

4 Q. Mr. Cron, we have gotten to the point

5 where you had a chance to look at this particular window.

6 Are there other windows in that garage, sir?

7 A. Yes.

8 Q. Did you have an opportunity to look at

9 them, also?

10 A. I did.

11 Q. Did you do that while you were inside

12 the garage, or did you do that from the outside?

13 A. Both, inside and outside.

14 Q. Okay. Well, let me just take you

15 inside then. The other windows, did you find any other

16 windows that were open like the window shown in State's

17 Exhibits 41-A and B?

18 A. No.

19 Q. Did you see any other screens cut on

20 the windows covering, on the adjacent windows there in

21 the garage?

22 A. No, I didn't.

23 Q. Did you check them to see whether you

24 saw any evidence of any blood or any disturbance around

25 them?

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1 A. I did.

2 Q. Did you find any evidence of blood or

3 disturbance around the other windows?

4 A. No.

5 Q. Well, after you had a chance to check

6 the windows, the door and the floor, and the general

7 condition, did that pretty much complete your inspection

8 of the garage?

9 A. On the walk-through part, yes, sir.

10 Q. All right. After you walked through

11 these particular rooms, including the garage, then what

12 did you do?

13 A. I then went out the front door around

14 the side of the house towards the back.

15 Q. All right. And, did the other

16 officers go out there with you?

17 A. Yes.

18 Q. Okay. What was the purpose of you

19 going outside?

20 A. To look for the unusual. Possible

21 points of entry, or attempted points of entry at other

22 windows, disturbed ground under the windows, cigarette  
23 butts, footprints, blood, if there were any outside,  
24 maybe a murder weapon, I'll say murder weapon, a knife,  
25 you know, a weapon, point of entries.  
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1 Q. Well, let me ask you: Are there any  
2 other windows along the front side of the house?  
3 A. Yes.  
4 Q. Did you check them to determine  
5 whether or not they showed any evidence that someone had  
6 come through?  
7 A. Yes.  
8 Q. And what was --  
9 A. Excuse me. What was the question  
10 again?  
11 Q. Okay. Did you have a chance to  
12 examine the windows on the front part of the house?  
13 A. Yes.  
14 Q. And what was the result of your  
15 inspection of those windows?  
16 A. There was no signs of any disturbance  
17 that I found.  
18 Q. Are the flower beds out there in the  
19 front?  
20 A. Yes.  
21 Q. Were you looking for them, were you  
22 looking at them, also?  
23 A. Yes. The bushes and so forth, yes, I  
24 was.  
25 Q. Okay. And what was the result of your  
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1 inspection of the flower bushes and the flower beds in  
2 general?  
3 A. I saw no signs of disturbances that a  
4 person might have been trying to get past them into a  
5 window area.  
6 Q. Okay. Did you do the same thing for  
7 the windows on the side of the house?  
8 A. I did.  
9 Q. Did you do the same thing for the  
10 flower beds, also?  
11 A. Yes.  
12 Q. All right. What was the result there?  
13 A. I found no signs of an attempted  
14 entry.  
15 Q. All right. Did you then get back to

16 the back portion of the house?

17 A. Yes.

18 Q. Do you remember the first thing that

19 you looked at when you got back there?

20 A. The driveway leading to the gate.

21 Q. All right. And what types of things

22 were you looking for on the driveway?

23 A. Blood, skid marks, and possibly any

24 objects that might aid the investigation, cigarette

25 butts, knives.

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1 Q. Okay. Did you find any of those

2 items, blood, skid marks or other foreign objects out

3 there on the driveway?

4 A. No.

5 Q. Did you have a chance to look at the

6 garage door itself on the outside?

7 A. I did.

8 Q. All right. And what types of things

9 were you looking for there?

10 A. I was looking for signs of pry marks,

11 or for signs of attempted entry, and blood.

12 Q. All right. Did you see any blood?

13 A. No.

14 Q. Did you see any pry marks?

15 A. None.

16 Q. Did you see any evidence of any sort

17 of forced entry on that garage door?

18 A. I did not.

19 Q. Now, when you looked at the garage

20 door from the inside, had it been closed?

21 A. Yes.

22 Q. Is there a latch to that garage door?

23 A. It was latched.

24 Q. Okay.

25 A. There is a latch.

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1 Q. Okay. And the door was latched when

2 you saw it; is that right?

3 A. That's correct.

4 Q. You looked at the driveway and the

5 garage door now. Where is the next place that you and

6 the other officers go to?

7 A. The gate of the privacy fence, the

8 wooden fence.

9 Q. All right. And when you are looking

10 at this fence, and you are talking about a privacy fence,  
11 is this the fence that encloses the backyard?

12 A. It is.

13 Q. Is it painted?

14 A. It's white.

15 Q. All right. Wooden fence, right?

16 A. Yes, wooden fence, painted white, 6  
17 feet tall.

18 Q. What types of things are you looking  
19 for on the gate?

20 A. Scuff marks, pry marks, blood.

21 Q. Okay.

22 A. Anything to indicate forced entry or  
23 signs of -- that might belong -- anything that might  
24 belong to an intruder.

25 Q. Did you see any blood?

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1 A. No.

2 Q. Did you see any pry marks?

3 A. No.

4 Q. How about scuff marks?

5 A. Yes, there were scuff marks.

6 Q. Okay. Where were they located on the  
7 gate?

8 A. At the base of the gate or at the  
9 center, lower center.

10 Q. Okay. On the outside of the gate or  
11 on the inside of the gate?

12 A. The outside.

13 Q. Okay. When you saw that set of scuff  
14 marks on the outside of the gate toward the bottom, did  
15 you have a chance to talk with Sergeant Matt Walling  
16 about them?

17 A. I did.

18 Q. Did you try to determine how he had  
19 gained entry into that backyard?

20 A. I did.

21 Q. Without going into what he said, did  
22 you determine how he did get in there?

23 A. Yes.

24 Q. And after you did that, did you find  
25 anything unusual about the scuff marks that you had seen

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1 on the outside of the gate?

2 A. No.

3 Q. At that point, Mr. Cron, did you look

4 at the exterior of the fence, or did you go ahead and go  
5 inside the backyard?

6 A. I looked at the interior later. At  
7 that point I went inside the yard.

8 Q. If you recall, where is the first  
9 place that you went once you got in the backyard?

10 A. The window that had the screen cut,  
11 and the partially opened window.

12 Q. Again, is that going to be the window  
13 shown in State's Exhibit 41-B here?

14 A. Yes.

15 Q. All right. So you had a chance to  
16 look at it from the outside now?

17 A. I did.

18 Q. What types of things are you looking  
19 for?

20 A. The same thing we had been looking  
21 for -- or I had been looking for throughout the scene,  
22 blood, signs of an intruder.

23 Q. Did you find anything like that when  
24 you looked at this window from the outside?

25 A. No.

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1 Q. Where is next place that you went to  
2 then?

3 A. It wasn't actually a specific area, it  
4 was just the interior of the courtyard surrounded by the  
5 white, wooden fence.

6 Q. And again, what are you looking for  
7 then?

8 A. Signs of travelling through the mulch  
9 that was in the areas where an intruder might have left  
10 the window to the gate, I was looking for scuff marks on  
11 the gate, to see if there were any signs of blood or  
12 scuff marks, any signs of a person possibly scaling the  
13 fence.

14 Q. Okay. If we look at State's Exhibit  
15 13-A and 13-B, do we see an area of mulch here?

16 A. Yes.

17 Q. Okay. And, again, both these  
18 photographs show the open window, do they not?

19 A. They do.

20 Q. Okay. Did you look in this area of  
21 mulch for signs of disturbance?

22 A. I did.

23 Q. And again, what types of signs were  
24 you looking for?

25 A. Well, that mulch I was looking for any

1 dampness or signs that feet were drug through the area,  
2 or fast movement of a heavy object, to see if it traveled  
3 through the mulch.

4 Q. Okay. Sir, when you looked at it, did  
5 you see any sign of that?

6 A. No.

7 Q. Let me direct your attention down here  
8 to State's Exhibit 13-E. Do you see that area?

9 A. Yes.

10 Q. Is that another area of mulch in the  
11 backyard?

12 A. It is.

13 Q. Okay. Did you look at that area,  
14 also?

15 A. I did.

16 Q. Were you looking for the same things?

17 A. Yes.

18 Q. Okay. Did you find any evidence that  
19 that mulch had been disturbed?

20 A. No, I tested it to see if it could be  
21 disturbed, and I could disturb it, but --

22 Q. How did you do that?

23 A. Two ways. One, I walked flat-footed,  
24 very gently or easily across the mulch and nothing  
25 happened. I then walked very fast across it and I

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1 disturbed it, and I ran across it and I did disturb it,  
2 and the dampness under the upper layer of mulch was then  
3 exposed and was darker than the top layer, and it became  
4 evident.

5 Then, I did bend down and take my hand  
6 and just ruffle up the mulch, and it appeared dark  
7 wherever I did disturb it.

8 Q. Did you have a chance to go inside  
9 that spa back there in the backyard?

10 A. Yes.

11 Q. And again, were you looking for the  
12 same types of things inside the spa?

13 A. Blood, and, yes, any signs of an  
14 intruder.

15 Q. All right. Did you see any blood  
16 inside the spa.

17 A. No.

18 Q. Did you see any signs that an intruder  
19 had come into the spa?

20 A. No.

21 Q. Any other areas of the backyard that  
22 stand out as areas that you went to that morning?

23 A. That stand out?

24 Q. Yes, sir.

25 A. Nothing was unusual. The windows,  
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1 were -- the screens were intact, the windows were locked,  
2 I saw no signs of attempted entry, the white fence had no  
3 scuff marks or blood to where it appeared somebody had  
4 climbed over the fence.

5 Q. Okay.

6 A. So, I found nothing unusual, in that  
7 respect.

8 Q. Okay. Let me just ask you in  
9 particular: Is there a sliding glass door that leads in  
10 to the house from the backyard?

11 A. Yes.

12 Q. Did you check that for pry marks or  
13 any other evidence of forced entry?

14 A. I did.

15 Q. What was the result?

16 A. There were none.

17 Q. Let me ask you: In this entire  
18 backyard, did you see any blood at all in this backyard?

19 A. No.

20 Q. I'm including the ground, I'm  
21 including any of the objects here around this window, and  
22 I'm including the interior portion of the fence, any  
23 blood at all?

24 A. None.

25 Q. And the fence, as we can see, it's  
Sandra M. Halsey, CSR, Official Court Reporter  
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1 painted white, right?

2 A. Yes.

3 Q. How about scuff marks on the inside  
4 part of the fence?

5 A. I could find none.

6 Q. Did that pretty much conclude your  
7 inspection of the backyard then, the inside of the  
8 backyard?

9 A. Well, on the inside, yes. I made  
10 several notations of mental observations, but nothing  
11 indicated an intruder. I noticed the blinds were -- you  
12 could see the interior of the house through the Venetian  
13 blinds were -- well, the blinds that were covering the

14 sliding glass door.

15 Q. Okay. And what could you see inside

16 the house, looking through the blinds from the outside?

17 A. You could see the family room or den,

18 the interior.

19 Q. All right. Was there any light coming

20 from the inside, from that family room?

21 A. When I was out there, it was starting

22 to get light, and I don't recall any bright lights. From

23 the inside shining out?

24 Q. Yes, sir.

25 A. I don't recall. I mean, yeah, of

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1 course, I could see the lights were on in the hall

2 because they were on when we were going through our

3 walk-through, but I didn't notice anything unusual about

4 the lights.

5 Q. Okay. Any of the windows there into

6 the garage or into the house, any of them open?

7 A. No.

8 Q. Besides this one that you had noted

9 before, right?

10 A. Well, the one with the cut screen,

11 that is the only one.

12 Q. All right. Now, at that point, when

13 you looked inside the backyard itself, had you concluded

14 your initial walk-through of the scene?

15 A. No.

16 Q. All right. What else did you do then?

17 A. I checked the exterior of the fence.

18 Q. Okay. And again, how did you do that?

19 A. Just walked around it. At one time I

20 had to look at the other side of the fence, that is the

21 side that facing the front of the house, I had to go

22 around the house, which would amount to the side yard, I

23 guess. I checked it for scuff marks and blood.

24 Q. Okay. Did you see any scuff marks?

25 A. No.

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1 Q. Did you see any blood?

2 A. No, I did not.

3 Q. Did that conclude your initial

4 walk-through?

5 A. Yes.

6 Q. Do you have an estimate of the amount

7 of time that it took you to do that initial walk-through,  
8 Mr. Cron?  
9 A. Well, 25 minutes, maybe 30 minutes.  
10 Q. Were you under any sort of a time  
11 constraint, or could you take as long as you needed?  
12 A. I could take whatever time I felt  
13 sufficient.  
14 Q. All right. Did you feel that you had  
15 sufficient time for that initial walk-through?  
16 A. Just for the initial one?  
17 Q. Yes.  
18 A. Certainly, yes.  
19 Q. All right. And, let me ask you then:  
20 You finished your initial walk-through of that residence,  
21 backyard exterior of the residence, did you form any  
22 opinions after your initial walk-through, sir?  
23 A. I was beginning to have some feelings  
24 about the offense, yes, sir.  
25 Q. All right. What impressions, if any,  
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1 did you start to form after that initial walk-through?  
2 A. That there had not been an intruder  
3 enter through the window.  
4 Q. All right. And, why did you come to  
5 the conclusion that there had been no intruder?  
6 A. Well this is a --  
7 Q. That is from your initial  
8 walk-through?  
9 A. It's sort of a big picture. It's not  
10 any one thing. It was the overall scene which,  
11 primarily, is the lack of evidence in many cases. But  
12 the entire scene indicated to me there had not been an  
13 intruder. There wasn't any one object or any one  
14 situation there.  
15 Q. Let me ask you: Did you find the  
16 physical evidence there in the crime scene to be  
17 consistent or inconsistent with information that you had  
18 been given by the Rowlett police officers prior to  
19 starting the walk-through?  
20 A. Inconsistent.  
21 Q. And by the time you did this  
22 walk-through, you had been doing these kinds of things  
23 for how many years?  
24 A. Oh, around 39.  
25 Q. You have met with the officers, you  
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1 have done your initial walk-through with them, what is  
2 the next thing to do in this situation?  
3 A. Well, there is a loose procedure that  
4 can be altered, due to the different circumstances. But  
5 there is a basic procedure to use in crime scene  
6 investigation. Is that what you want me to --  
7 Q. Yes, sir. What is that procedure? Is  
8 it just something that you have come up with, or is it  
9 some sort of standardized procedure?  
10 A. Well, it's basically standard. It's a  
11 common sense approach more than anything.  
12 It involves a walk-through naturally  
13 to plan your attack, or plan your actions at a scene.  
14 The second one is to record everything.  
15 Photographically, and in a sketch, if  
16 it's required in the type of scene that you're  
17 investigating. But record it with notes, measurements of  
18 the sketch, and a series of photographs.  
19 Once it's recorded, the next step is  
20 to take care of your fragile evidence; hair, fiber,  
21 blood, anything that could be destroyed. Latent prints.  
22 And the step after that, is your  
23 movable objects, items that might be sent to a crime lab  
24 or to be processed, however, processed at a police  
25 department or a sheriff's department, or at your own, the  
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1 investigator's own agency, the movable things have to be  
2 taken care of.  
3 Then, the scene is inspected, objects  
4 removed, photographs then, follow-up photographs are then  
5 taken to see what is under, behind, on top of, or  
6 whatever, of the evidence. This is after it's initially  
7 recorded in it's intact or first position and the  
8 photographs, have been already taken.  
9 After that, another walk-through is  
10 conducted to insure that something wasn't overlooked.  
11 Basically, that is the steps used in a crime scene  
12 procedure.  
13 The variations would occur, where you  
14 have an outside condition, that maybe the weather was  
15 going to destroy some evidence, and you would have to  
16 skip the photographs in place of collecting it before it  
17 would be damaged by the weather, a crowd condition, where  
18 you might have a hostile crowd, you have to watch the  
19 evidence, such as weapons, or on a highway that the  
20 traffic was a problem. But these are also -- that is the  
21 basic steps in a crime scene investigation.  
22 Q. How many years have these procedures

23 been in place in law enforcement?

24 A. Well, most of the books that have been

25 written on it, from the '40's.

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1 Q. 1940's?

2 A. '40's.

3 Q. We are talking about 50 years for

4 those procedures in use, right?

5 A. Yes. They are standard in all crime

6 scene investigation, criminal investigation books now,

7 academies and so forth.

8 Q. Well, barring some sort of weather

9 problem or some sort of outside element there, would

10 these steps in the procedures, would they change with the

11 type of offense that you're going to go out there and

12 investigate?

13 A. No. The only thing that would change

14 is if you didn't have blood, naturally, you wouldn't

15 collect blood. But the basic steps are the same from

16 criminal mischief to a multiple homicide.

17 Q. And when you go out to process a

18 scene, Mr. Cron, do you just simply walk into a scene,

19 would it ever be proper to just simply walk into a scene,

20 look at it and then leave?

21 A. No.

22 Q. Okay. Are there things that you have

23 to do in order to process a scene?

24 A. Yes.

25 Q. And investigate a scene?

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1 A. Yes.

2 Q. What types of things do police have to

3 do in order to investigate and process a crime scene?

4 A. Well, one thing that is necessary,

5 whether it's basics to a crime scene to a traffic ticket,

6 you have to ask the person present what happened. Be it

7 victim, witness, anyway, you have to -- they were there,

8 so you ask them what happened.

9 Q. Let me ask you: In this case, the

10 defendant was not at the location when you were

11 processing this crime scene, was she?

12 A. No.

13 Q. Her husband, was he present there for

14 you to talk to while you are processing this crime scene?

15 A. No.

16 Q. So, normally you would want to talk to

17 somebody who is there, right?

18 A. Yes.

19 Q. What's the next thing then that you

20 would want to do?

21 A. I would talk to the officers that

22 talked to the person that I would -- had wanted to talk

23 with.

24 Q. Did you have -- you had a chance to do

25 that in this case, right?

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1 A. I did.

2 Q. Okay. What are some of the other

3 things that are necessary in order to investigate and

4 process a crime scene?

5 A. Well, outside of the information

6 received from the people we're talking about, the witness

7 or the victim?

8 Q. Yes.

9 A. Is information from the officers

10 themselves on what they saw and observed and their

11 actions at the scene.

12 Q. In order to process the scene

13 properly, is it necessary at times to move things?

14 A. Definitely.

15 Q. Okay. And what are some of the

16 reasons why you might want to move an object once you get

17 to a crime scene?

18 A. Well, there's many reasons. I

19 mentioned weather, crowd conditions, hostile crowds in

20 riot situations, one is after the photographs or your

21 initial photographs to record the scene are taken. You

22 have to move the evidence then.

23 Q. Okay. Why?

24 A. To do a thorough investigation. It

25 would be equivalent to having a body at the scene and not

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1 looking under it. You have to look for evidence and

2 moving objects during an investigation is just one of the

3 things that has to be done to find the evidence.

4 Q. Well, after the initial photographs

5 are taken, would you consider it to be altering or

6 tampering with a crime scene to move certain things to

7 investigate the scene?

8 A. No.

9 Q. Is that done on all crime scenes by

10 police every day?

11 A. It would be malpractice if they didn't  
12 move it when they conducted the crime scene  
13 investigation.  
14 Q. You're still out there with Rowlett  
15 Police Department at this time, correct?  
16 A. Yes.  
17 Q. Okay. In your discussions with them,  
18 did you ever indicate that you thought it might be  
19 helpful for other people from other agencies to come out  
20 there and assist you in the crime scene search  
21 investigation?  
22 A. There were some people I thought might  
23 help in this type offense, yes.  
24 Q. Okay. Who were those people?  
25 A. People from what is commonly called  
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1 SWIFS or Southwestern Institute of Forensic Science,  
2 colloquial -- the crime lab.  
3 Q. We call it SWIFS, right?  
4 A. Yes, SWIFS, Dallas County Crime Lab  
5 personnel.  
6 Q. All right.  
7 A. I suggested they contact the people  
8 from trace evidence in -- or serology, either one, or  
9 both.  
10 Q. Is there someone that you had in mind  
11 out there in the trace evidence at SWIFS?  
12 A. Yes, Charles Linch.  
13 Q. And you have dealt with Charles Linch  
14 in the past, I take it?  
15 A. Many times.  
16 Q. Serology, also, would that be someone  
17 to do something with the blood work out there?  
18 A. Right.  
19 Q. Did you recommend anybody, in  
20 particular, or did you just leave that up to SWIFS or  
21 Rowlett?  
22 A. No. I knew that whoever was on duty,  
23 if they contacted Linch, and they, Rowlett PD requested  
24 serology to come with the trace evidence man, who is  
25 Charlie Linch, that he would pick who he wanted to travel  
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1 with out there. I didn't recommend a name.  
2 Q. Well, as you began to process this  
3 crime scene, was it your responsibility to actually go  
4 around and actually collect evidence or blood samples or

5 fingerprints or any physical evidence out there at the  
6 scene?

7 A. No. They called me for advice.

8 Q. Okay. So, what did you understand  
9 your role to be out there as the scene started to be  
10 processed?

11 A. Advice, consultant, it wasn't even to  
12 be an overseer, I was to direct no one. They didn't tell  
13 me I wasn't to, but that is not the way I operate.

14 I observe, and if I saw them doing  
15 something that maybe was out of step, or they should do  
16 it earlier, before, I would give them directions. I made  
17 a few hints, such as calling the people from the crime  
18 lab.

19 I advised them to collect several  
20 other items, which they may have been going to anyway,  
21 but since I was there I went ahead and advised them to do  
22 it.

23 Q. Okay. What was the first thing that  
24 you thought would be proper to do in processing this  
25 crime scene?

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1 A. The first thing?

2 Q. Yes, sir.

3 A. Photographs.

4 Q. All right. And, to your knowledge,  
5 were photographs taken by Rowlett police officer after  
6 you did your initial walk-through of the house?

7 A. Yes, that was one of the first things  
8 they did. Sort of, at the same time a sketch was being  
9 prepared, but that, the sketcher follows behind the crime  
10 scene photographer so he won't get in the picture, but  
11 that can be done at the same time.

12 Q. All right. So, walk-through,  
13 photographs. What is the next thing that you thought was  
14 proper to do in the process?

15 A. To start collecting some blood, that  
16 was my next suggestion, and to do, or conduct some  
17 presumptive blood tests, that is field tests to determine  
18 if things are blood.

19 Q. All right. When it came down to the  
20 blood samples, the taking of the samples, did you direct  
21 the Rowlett officers to specific locations in the house  
22 and tell them take a sample here, or I want a sample  
23 there, or how did you handle that?

24 A. I did on a couple of areas, but the  
25 rest, they seemed to be doing fine. I didn't follow the

1 blood collector around. I did suggest several areas.  
2 Q. All right. So, first thing, take the  
3 blood samples. To your knowledge, did the Rowlett  
4 officers then begin to do that?  
5 A. They did.  
6 Q. Okay. Next thing that you thought  
7 would be proper to do in this sequence?  
8 A. Latent prints. We held off, or I say  
9 we, I told them to hold off a little until Charles Linch  
10 or whoever was coming from the crime lab arrived. As it  
11 was, he did arrive before they started doing the latent  
12 print processing, because we didn't want to lose a hair.  
13 Because some of the latent print processing involves  
14 camel hair or other type brushes and I didn't want any  
15 interference with the hair collection.  
16 Q. All right. So, trace evidence, that  
17 would include the collection of hairs and fibers, right?  
18 A. Yes, trace meaning small items; paint  
19 flakes, hair, fibers, small items of evidence.  
20 Q. And, to your knowledge then, the  
21 latent prints were not begun until trace evidence had a  
22 chance to do some of that; is that right?  
23 A. In the areas that we were concerned  
24 with hair and fibers, naturally some higher-up areas  
25 that -- you know, we didn't -- I didn't hold them back on  
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1 every area, just the places where there could be hairs  
2 and fibers.  
3 Q. Did Charles Linch then arrive at the  
4 scene?  
5 A. Yes.  
6 Q. Did someone from serology come out  
7 there with him?  
8 A. Yes.  
9 Q. Do you remember what that person's  
10 name was?  
11 A. I believe her last name is Long.  
12 Q. All right. Does Kathryn Long sound  
13 familiar?  
14 A. That does. That's it. I couldn't  
15 recall her first name.  
16 Q. All right. When Kathryn Long got  
17 there, at any time did she also begin taking blood  
18 samples from inside the residence?  
19 A. Yes, sir. Both of them were doing

20 presumptive tests and collection of blood, and, as was  
21 the Rowlett Police Department.

22 Q. So, you have got those two individuals  
23 doing the presumptive, plus doing some blood samples,  
24 you've got Rowlett doing blood samples. Next in the  
25 sequence then, I understand was, you do, trace evidence,  
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1 correct? In areas where you are going to do latents?

2 A. Yes.

3 Q. Okay. Then you attempt to lift latent

4 fingerprints, correct?

5 A. That's correct.

6 Q. All right. And, to your knowledge

7 then, did a Rowlett police officer begin doing that?

8 A. Yes.

9 Q. Do you remember who that was out there

10 on June the 6th?

11 A. The only one I saw processing -- well,

12 the answer is yes, I do know.

13 Q. Okay. And who was that?

14 A. Hamilton.

15 Q. Charles Hamilton?

16 A. Yes.

17 Q. Okay. After you have collected the

18 blood, you have done the trace evidence, and you begin

19 processing for latent prints, in your opinion, what would

20 have been the next proper thing to do, and what did do

21 you out there?

22 A. Any large items needed to be

23 collected, such as the screen, and I told them to, you

24 know, anything movable. We started moving objects,

25 vacuum cleaner, big, heavy objects. I say big and heavy,

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1 other than something you can hold in one hand.

2 Q. Okay. And again, why did you go along

3 with the idea of moving these particular items?

4 A. Well, one, I wanted to look under some

5 of them myself, and we wanted to, I wanted them to look

6 and see what they could find, by nature of blood, hair,

7 fiber, weapons.

8 Q. Were there some items that you

9 yourself moved inside the house?

10 A. The base of the lamp. I checked the

11 weight of the table, the glass table top. I looked in a

12 couple of drawers in the kitchen that were exposed and

13 open and had blood cloth items on top.

14 I didn't do that much. I did test the  
15 light switch to see if the light worked on the back patio  
16 light, and it did come on when I threw the switch on.  
17 Q. Okay. Are you talking about, I  
18 believe, in one of these photographs, we might be able --  
19 are you talking about a light that would be attached to  
20 the house?  
21 A. Yes.  
22 Q. Porch light? And it was in working  
23 condition; is that right?  
24 A. Yes.  
25 Q. You mentioned that you went to, I  
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1 guess, a coffee table in the family room; is that right?  
2 A. Yes.  
3 Q. And what exactly did you do with that  
4 coffee table, Mr. Cron?  
5 A. I pushed it with my legs to see if it  
6 was heavy or light, which I assumed it was going to be  
7 heavy because they normally are, but I wanted to feel it  
8 myself.  
9 Q. Okay. Is this the table that is shown  
10 in 47-A, State's Exhibit 47-A?  
11 A. Yes.  
12 Q. Okay. Well, what did you find? Is  
13 this table light or is it heavy?  
14 A. It's heavy.  
15 Q. Okay. And give us an idea of the  
16 amount of -- what did you do to it exactly?  
17 A. I braced my leg against it and then  
18 leaned towards the direction of it to see how easily it  
19 moved.  
20 Q. And what did you find out when you  
21 tried to do that?  
22 A. It was difficult to move, without  
23 exerted pressure or effort.  
24 Q. Did it appear to you when you looked  
25 at it that morning when you first saw it that it was off  
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1 center?  
2 A. Yes.  
3 Q. Now, I think you said you touched a  
4 couple of the drawers in the kitchen, right?  
5 A. Yes.  
6 Q. What other items did you move that you

7 recall?

8 A. I looked at some of the glass on the  
9 floor. I had had them collect some of the glass.

10 Q. Let me ask you: What was the purpose  
11 of having Rowlett collect some of the glass on the floor?  
12 What were you thinking at that time?

13 A. At that time, when I -- actually, this  
14 really came about from the walk-through, is when I  
15 verbally said, "You need to collect some glass." Glass  
16 is collected any time it's on the floor at a crime scene,  
17 or should be collected.

18 Later, if an intruder is found that  
19 has the glass embedded in the soles of their shoes, it  
20 might be possible the lab could make a connection and  
21 determine it's the same type of glass.

22 It's a form of placing the person  
23 inside the building or at a scene.

24 Q. What was the purpose in you actually  
25 picking up some of the glass? Why did you do that?  
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2212

1 A. To see how sharp it was, and to see if  
2 it was all consistent with being the same type.

3 Q. Okay.

4 A. And color-wise, mainly.

5 Q. When you were looking to see how sharp  
6 this glass was, what were you thinking at that time?

7 A. That part, on the sharpness, came  
8 after I had come in and I started forming my opinion of  
9 the crime scene. The purpose then was to see how sharp  
10 it was. I wanted to determine if the complainant in this  
11 case had cuts on the soles of her feet.

12 Q. Okay. When you looked at this glass,  
13 I don't know how you quantify this, but how sharp was  
14 this broken glass?

15 A. I cut myself on it.

16 Q. Okay.

17 A. It was sharp.

18 Q. Okay.

19 A. I made a mistake and applied too much  
20 pressure and cut myself.

21 Q. Okay. Was there ever an occasion,  
22 when you were present and a vacuum cleaner was moved?

23 A. Yes.

24 Q. Okay. Tell us, where was the vacuum  
25 cleaner when you first saw it?

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2213

1 A. Between the kitchen, an island in the  
2 center of the kitchen and the island counter, and the  
3 divider between the kitchen and the living room. It was  
4 on the floor.

5 Q. All right. Whose idea was it to move  
6 the vacuum cleaner?

7 A. Mine, but I would say more, actually,  
8 it was a mutual consent, as the photographs, when they  
9 were finished, we were following behind the photographer,  
10 and we said, "Let's look under it."

11 Q. Okay. Well, why did you want to look  
12 under it?

13 A. When -- you look under things just to  
14 see what you find. I had no idea what I would find but I  
15 was looking for evidence.

16 Q. Who actually moved the vacuum?

17 A. David Mayne.

18 Q. Okay. Rowlett police officer?

19 A. Yes.

20 Q. Did you observe how he moved the  
21 vacuum cleaner?

22 A. I was standing with him. I was at one  
23 end of the vacuum and he was at the other.

24 Q. All right. Did both of you lift it,  
25 or did one of you, or --

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2214

1 A. No, he did. I didn't touch it.

2 Q. Okay. Mr. Cron, did you observe  
3 whether or not as he lifted this vacuum cleaner, whether  
4 or not David Mayne rolled it on the floor? Or did he  
5 just simply lift it up and off the floor?

6 A. No, he lifted it. We didn't want to  
7 roll it on the floor.

8 Q. Why not?

9 A. It looked like there were already roll  
10 marks on the floor and I didn't want them disturbed.

11 Q. Okay. What did these roll marks look  
12 like?

13 A. It looked like tracks from the wheels  
14 of the vacuum cleaner. A series of bloody, wheel-roll  
15 marks.

16 Q. Okay. Straight lines, somewhat?

17 A. Yes, sir.

18 Q. Okay. Mr. Cron, if you would, if you  
19 would step down for just a moment, sir. Again, if you  
20 will wait for everybody to come around.

21

22 (Whereupon, the witness

23 Stepped down from the  
24 Witness stand, and  
25 Approached the jury rail  
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2215

1 And the proceedings were  
2 Resumed as follows:)  
3  
4 BY MR. GREG DAVIS:  
5 Q. Let me ask you first to look at  
6 State's Exhibit 43-B. Do you recognize that scene, sir?  
7 A. Yes.  
8 Q. And what does that show?  
9 A. The vacuum cleaner lying on the  
10 kitchen floor.  
11 Q. State's Exhibit 43-B. What does that  
12 show?  
13 A. It shows drops of blood, shapes, in  
14 the blood on the kitchen floor.  
15 Q. Okay. Where the vacuum had been?  
16 A. Yes. The area under the vacuum.  
17 Q. Okay. Have we indicated on State's  
18 Exhibit 43-B two what appear to be bloody footprints?  
19 A. Yes.  
20 Q. When Officer Mayne lifted up this  
21 vacuum cleaner, could you see these two bloody footprints  
22 where the vacuum cleaner had been, sir?  
23 A. I could.  
24 Q. Could you also observe blood drops  
25 underneath where the vacuum cleaner had been?  
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2216

1 A. Yes.  
2 Q. Could you also observe any broken  
3 glass under this area, where the vacuum cleaner had been?  
4 A. Yes.  
5 Q. Do you see any on this particular  
6 photograph here, 43-B? And if so, just point them out  
7 for the members of the jury.  
8 A. There is, they're a little difficult  
9 to see because being clear glass, you can see some  
10 reflections. Some of the pieces don't actually show up  
11 on the photograph, but the little reflections show.  
12 Q. Okay.  
13 A. Some of the glass reflections from the  
14 flash, you know, of the camera.  
15 Q. Okay. Let me ask you: I want to talk  
16 about these two bloody footprints. Did you find any

17 broken glass resting on top of the bloody footprints in  
18 this area of the kitchen?

19 A. Yes.

20 Q. On top of it?

21 A. Yes. Bloody glass?

22 Q. No.

23 A. There was glass on it, but the glass  
24 wasn't bloody.

25 Q. Okay. So, you have got glass without  
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1 blood on it sitting on top of bloody footprints; is that  
2 right?

3 A. Yes.

4 Q. Now, you had also indicated, Mr. Cron,  
5 that you saw what appeared to be roll marks before the  
6 vacuum cleaner was moved; is that right?

7 A. That's correct.

8 Q. Do you see anything on State's Exhibit  
9 43-B that would demonstrate that for the jury?

10 A. This is one of the best examples in  
11 this picture is this mark here. You can see where the  
12 blood is displaced on the left and right here, it appears  
13 to be a roll mark where the blood was -- it was displaced  
14 by whatever rolled through it.

15 Q. When we -- let me give you an example.

16 If I am out on a roadway driving, the roadway is wet,  
17 will the tires push it through, will it displace or push  
18 the water to the sides?

19 A. Yes.

20 Q. Is that what you're talking about here  
21 when you look at this roll mark here on 43-B?

22 A. Yes, that's why it's darker on both  
23 sides, it's where the blood is spread out.

24 Q. Was this the only area here, that you  
25 have pointed out on State's Exhibit 43-B, that you  
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1 thought at that time might be a roll mark in that area of  
2 the kitchen?

3 A. There was one other, I would have to  
4 look at the series of pictures to see where it is, but  
5 no, that wasn't the only roll mark.

6 Q. Okay.

7 A. This was one here, but there was some  
8 other marks that appeared to me to be roll marks from the  
9 vacuum.

10 Q. Okay. Are you certain that those roll

11 marks were present on this floor before Officer Mayne  
12 lifted this vacuum cleaner up off of the floor, sir?

13 A. Well, we specifically discussed it.

14 He lift it up and set it aside, not drag it across the  
15 blood. That would have defeated the purpose of being  
16 careful at the scene.

17 Q. Okay. Thank you, sir.

18

19 THE COURT: All right. Ladies and  
20 gentlemen, in view of the hour now, we will recess until  
21 9:00 o'clock tomorrow morning.

22 Remember the same instructions as

23 always. Don't discuss this case among yourselves yet.

24 Do no investigation on your own. And if you hear about

25 it or see about it on the TV, or anything in the

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1 newspapers, please ignore it.

2 We will see everybody here at 9:00

3 o'clock tomorrow morning.

4 Thank you very much. Wear your juror

5 badges at all times.