

1 brutally stabbed someone 31 times and hit them over the  
2 head. And the evidence is going to show that there  
3 could very well be more than one weapon used in this  
4 case. She doesn't have the injuries that would support  
5 that. And there is not blood on her -- there is no  
6 bloody clothes anywhere. How would a man be slaughtered  
7 and stabbed 31 times at close encounter and not have  
8 blood on you? And none of that is found at the scene.

9           So based upon the totality of the evidence  
10 and certainly based on our presumption of innocence and  
11 the burden of proof, there ain't no way that Sandy  
12 Melgar killed her husband. And I submit to you with the  
13 greatest of respect, there is no way you could ever  
14 conclude beyond a reasonable doubt that the State of  
15 Texas has proven this allegation of murder.

16           I look forward to presenting the case to  
17 you, as does Allison.

18           Thank you.

19           THE COURT: Thank you, Mr. Secrest.

20           State, call your first witness.

21           MS. BARNETT: Call Deputy Carpenter.

22           **DEPUTY MAURICE CARPENTER,**

23 having been first duly sworn, testified as follows:

24           **DIRECT EXAMINATION**

25           THE COURT: State, you may proceed.

1 **BY MS. BARNETT:**

2 Q. Please state your name for the record.

3 A. Deputy Maurice Carpenter.

4 Q. And Deputy Carpenter, what do you do for a  
5 living?

6 A. Crime Scene Investigator for the Harris County  
7 Sheriff's Office.

8 Q. What does a Crime Scene Investigator mean?

9 A. We respond to crime scenes. We're tasked with  
10 searching crime scenes, identifying and documenting  
11 crime scenes. We do this by photographing crime scenes  
12 with digital cameras, video record crime scenes. We  
13 search crime scenes for items of evidence. We generate  
14 reports for crime scenes. We process the scenes for  
15 latent fingerprints, for DNA evidence. We also process  
16 the evidence itself of these same items.

17 Q. And how long have you been doing that?

18 A. I've been a Crime Scene Investigator for  
19 roughly 12 and a half years.

20 Q. What did you do before that?

21 A. I worked in detention for the Sheriff's Office.

22 Q. How long have you been with the Sheriff's  
23 Office?

24 A. Twenty-six years.

25 Q. Okay. Do you have any specific training that

1 goes with being a Crime Scene Investigator?

2 A. Yes. The first year I was hands-on training  
3 with a field training officer. Throughout the years  
4 I've had numerous forensic classes. Fields and areas of  
5 photography, videography, DNA collection, fingerprint  
6 identification and collection, gunshot residue  
7 collection, numerous fields put on by the FBI, Texas  
8 DPS, the Sheriff's Office Academy, just to name a few.

9 Q. And are those things that are required for you  
10 to take in order to do the job that you do?

11 A. Yes.

12 Q. And I don't know, did you mention that you also  
13 were a bloodstain pattern analysis person?

14 A. Yes, I've taken bloodstain pattern analysis  
15 classes.

16 Q. So let me take you to the date of December 23,  
17 2012. Do you remember that day?

18 A. Yes.

19 Q. And were you a Crime Scene Investigator at that  
20 point?

21 A. Yes.

22 Q. And you had been -- you had had the training  
23 that you mentioned on that day?

24 A. Yes.

25 Q. When were you called to the scene?

1           A.    I was called at approximately 5:30 p.m. I was  
2 on-call status. I arrived approximately 6:00 o'clock.

3           Q.    Now, is it important that you know kind of what  
4 you're processing?

5           A.    Yes, it is.

6           Q.    Why is that?

7           A.    We arrive at scenes, we're given a brief  
8 synopsis of what occurred, so we know what types of  
9 evidence to look for, where to look for the evidence.  
10 Typically patrol deputies, first responders, they'll be  
11 there, and they'll receive initial statements from  
12 witnesses and persons involved, and they'll do a initial  
13 walk-through search of the scene in response to their  
14 initial investigation.

15                   A lot of times they'll mark the evidence,  
16 and they'll find evidence from that. And they'll relay  
17 this information to us, also what they find initially,  
18 so that we may mark investigation in those areas. If  
19 they've already found some evidence, they can relay that  
20 to us for our information. Also, what's pertinent to  
21 the investigation, so we know what's important when we  
22 start searching the scene ourselves.

23           Q.    All right. And what was your understanding  
24 about what had happened or what you were looking for?

25           A.    I was given -- my brief synopsis of the scene

1 was that I was given the complainant, Sandra Melgar, had  
2 been found tied up in one of the closets of the home.  
3 And some relatives had come over and found her tied up  
4 in the closet with the door -- the chair was underneath  
5 the doorknob. And the relatives had let her out, her  
6 release. And then after, they found Mr. Melgar in a  
7 separate closet suffering from stab wounds. He was  
8 later found to be deceased.

9 Q. All right. Is it important in protecting the  
10 scene that officers are able to keep people out of the  
11 scene?

12 A. Yes.

13 Q. And did that happen in this case?

14 A. Yes.

15 Q. All right. But before the police got there,  
16 was the scene altered because the family was there?

17 A. Yes, it was.

18 Q. And what do you mean by that?

19 A. The family members had parked in the driveway  
20 of the residence. When they got in, they retrieved a  
21 pair of scissors from the drawer of the bathroom, and  
22 apparently cut off the scarf around Sandy's wrist, and a  
23 piece of scarf was laying on the floor in the bathroom.  
24 These were items altered by the family members from the  
25 initial crime scene.

1 Q. And was it your understanding that there had  
2 been a chair wedged against the bathroom door -- excuse  
3 me, closet door?

4 A. Yes.

5 Q. And did you have an opportunity, or did any of  
6 the investigators from the Sheriff's Office have an  
7 opportunity to see how that chair was wedged under the  
8 door?

9 A. Yes.

10 Q. I mean, the original way the chair was wedged  
11 under the door, did you see it?

12 A. Yes.

13 Q. How did you see it originally?

14 A. We -- at the conclusion of our investigation,  
15 we attempted to recreate how the door could -- excuse  
16 me, how the chair could have been wedged underneath the  
17 doorknob.

18 Q. But when you got there, the chair wasn't  
19 wedged?

20 A. Correct.

21 Q. The family had already done that?

22 A. Correct.

23 Q. That's my point. So you don't know how that  
24 was done?

25 A. Correct.

1 Q. Whether it was askew, straight on, how it was  
2 wedged?

3 A. Correct.

4 Q. All right. Did you take photographs?

5 A. Yes.

6 Q. And how many photographs did you take?

7 A. Probably 900-something photographs.

8 Q. And do you normally take -- it's 956, I think.

9 A. Yes.

10 Q. And do you normally take 956 photographs?

11 A. I'm known for taking a lot of photographs at  
12 crime scenes.

13 Q. Why did you take -- I mean, is this, like, a  
14 two-story mansion?

15 A. No.

16 Q. Tell us about that, why did you take 956  
17 photographs?

18 A. Due to the complexity of the scene, there's a  
19 three-bedroom house with a study. There's a lot of  
20 areas involved in the scene. Not just the bathroom  
21 where it occurred, the master bedroom, the bathroom, the  
22 closet, lot of detail areas; I took photographs of the  
23 processing that we did. And I also took photographs of  
24 fingerprint processing we did and the garage. A lot of  
25 areas, detailed areas of photographs.

1           A lot of times in scenes when there's --  
2 there may be only one or two rooms involved in the  
3 scene, and that's what we concentrate on. And in this  
4 scene, pretty much every room in the house had some item  
5 of interest in all of the rooms, so every room had to be  
6 documented in detail.

7       Q.    All right. Did you also do a video of the  
8 scene?

9       A.    Yes, yes.

10      Q.    And tell us about that, what does that mean?

11      A.    Any Homicide Crime Scene, we also video record  
12 the scene to supplement the photographs, and to show a  
13 better view of all the scene.

14      Q.    And I think you touched on trying to take  
15 prints. Did you do that?

16      A.    Yes.

17      Q.    Is it called lifting prints, what is it called?

18      A.    Yes.

19      Q.    Where did you try to lift prints from?

20      A.    Numerous areas of the house, especially around  
21 door frames, those areas. And anywhere that we would  
22 determine that someone may have been touching as they  
23 moved through the house.

24      Q.    And did you take swabs from the house?

25      A.    Yes.



1 Q. What do you mean by that?

2 A. When we take swabs, we're trying to collect any  
3 DNA that someone may have left behind, touch DNA. So if  
4 you touch a surface, there's a chance you may have left  
5 your DNA behind on that surface. And we take a sterile  
6 applicator kind of like a large Q-tip. We take that,  
7 and take some sterile water, and apply it to the Q-tip  
8 in the area we're interested in, and put that into a  
9 clean swab box, and seal that up. And do that on any  
10 surface we deem might be pertinent.

11 Q. So when you're going through the house and  
12 taking pictures, do videoing, and swabbing for DNA and  
13 also get prints, do you have an idea in your mind, I  
14 think so-and-so did it? I believe this was a home  
15 invasion or kidnapping? Tell us about that.

16 A. On any scene, we're given information as to  
17 what the investigation initially is thought to be, or  
18 what the offense, or what is initially thought to be.  
19 But we're called out to investigate thoroughly of  
20 whether that's proven up or not. We still investigate  
21 whether or not anyone else is involved, or whether  
22 that's actually what happened, or that's not exactly  
23 what happened. We actually let the evidence tell the  
24 story of what occurred.

25 Q. Are there times that you're told one set of

1 facts, and it turns out to be something else?

2 A. Yes, it does happen.

3 Q. Is that why you do a broad investigation to  
4 include that possibility?

5 A. Yes.

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

7 A. Yes.

8 Q. And did you have your mind set as you're  
9 investigating and taking and collecting evidence, did  
10 you have in your mind what you thought it was going to  
11 end up being?

12 A. No.

13 Q. Why, why?

14 A. I always go into a scene thinking what if this  
15 occurred or that occurred. If we go out with only  
16 thinking that one way is something that occurred, then  
17 there's really no point for us being out there --  
18 there's no point in us doing a lot of our investigation.  
19 We do a lot of what we do, too, because of the unknown.

20 Like I say, if we go out on a scene and  
21 patrol deputy says, this is what we have, and we take it  
22 as that, then there's no point in us being there. Okay,  
23 that's what it was and go home. But we go out there to  
24 collect the evidence to show that, okay, this is what it  
25 was. Now, wait a minute, let's see about this. We find

1 other evidence, we find other clues, let's say.

2 Also, through the investigation, homicide  
3 investigators are also collecting information through  
4 interviews that they are taking, and we communicate back  
5 and forth. They find out some information, they  
6 communicate to the Crime Scene Unit and gives us  
7 information and directs our investigation, also. And we  
8 communicate with them in what we find at the scene.

9 Q. Okay. And so if we are listening to, let's  
10 say, a person being interviewed by the police, and while  
11 you guys are at the scene, sometimes, you're calling the  
12 investigators while the interview is going on; is that  
13 right?

14 A. Yes.

15 Q. Okay. To give them information?

16 A. Yes.

17 Q. How long were you at the scene?

18 A. Roughly 11 hours.

19 Q. So you got there at 5:30 p.m. And did you say  
20 straight through, or how did that go?

21 A. Straight through.

22 Q. Okay. So you stayed until about 4:00 o'clock  
23 in the morning?

24 A. Basically 4:40.

25 Q. 4:40 in the morning. And that's a lot of time.

1 Is that how long it takes to take 900 photographs?

2 A. Further investigation is a considerable amount  
3 of time, yes.

4 Q. Did you also do scene diagrams?

5 A. Yes.

6 Q. And why do you do those?

7 A. To supplement the photos and video to give a  
8 better view of the layout of the scene.

9 Q. Do you draw diagrams with measurements and some  
10 without?

11 A. Yes.

12 Q. And do you draw different kinds of diagrams?

13 A. Yes.

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

15 A. Yes, I did.

16 Q. Can you explain why?

17 A. On a scene that is complex, sometimes we'll do  
18 an overall diagram of the whole scene, and then we'll do  
19 a more detailed diagram of individual rooms. If there's  
20 a lot of items in a room, we might do a diagram showing  
21 just all the measurements in one diagram, and then all  
22 of the items of evidence on one diagram, so it's not so  
23 cluttered.

24 MS. BARNETT: Your Honor, may I approach  
25 the witness?

1 THE COURT: You may.

2 Q. (BY MS. BARNETT) I'm going to show you what's  
3 been marked as State's Exhibit No. 1. Do you recognize  
4 that?

5 A. Yes, I do.

6 Q. State's Exhibit No. 2, recognize that?

7 A. Yes.

8 Q. State's Exhibit No. 3, do you recognize that?

9 A. Yes.

10 Q. State's Exhibit No. 4, do you recognize that?

11 A. Yes.

12 Q. State's Exhibit No. 5, do you recognize that?

13 A. Yes.

14 Q. What are State's Exhibits 1 through 5?

15 A. Those are enlargements of diagrams I created.

16 Q. Is there a difference between them?

17 A. Yes.

18 MS. BARNETT: Your Honor, we would offer  
19 into evidence State's Exhibit 1 through 5. Let the  
20 record reflect I'm tendering to opposing counsel.

21 THE COURT: Any objections?

22 MR. SECREST: Let me take a gander, Judge.  
23 Can I take the witness on voir dire for a  
24 second?

25 THE COURT: You may.

1 **VOIR DIRE EXAMINATION**

2 **BY MR. SECREST:**

3 Q. Deputy Carpenter, how are you doing?

4 A. Fine, sir.

5 Q. Are these basically just blowups of the smaller  
6 scene diagrams that you previously prepared?

7 A. Yes.

8 Q. Thank you.

9 MR. SECREST: I have no objection, Your  
10 Honor.

11 THE COURT: All right. State's Exhibit 1,  
12 2, 3, 4, and 5 are admitted, and you may publish.

13 MS. BARNETT: Thank you.

14 **DIRECT EXAMINATION (CONTINUED)**

15 Q. (BY MS. BARNETT) Let me first show you State's  
16 Exhibit No. 2. Are you able to see that, can you see  
17 it?

18 A. Yes.

19 Q. All right. What does this show us?

20 A. That's an overall diagram of the entire house.

21 Q. Is it a one story or two story?

22 A. One story.

23 Q. Okay. So it's a one-story house.

24 Now, there's -- we talked about the  
25 garage. When you found the garage, is it like you say

1 here, one car in it?

2 A. Yes.

3 Q. Two independent doors?

4 A. Yes.

5 Q. All right. What takes you into the garage? Do  
6 you go into the kitchen?

7 A. Yes. There's a laundry room just inside the  
8 door there.

9 Q. Is that the W. and the D., washer and dryer?

10 A. Yes.

11 Q. Then what?

12 A. There's a dining room inside that, and dining  
13 room table. And just to the north of that opening is  
14 going into the kitchen, and north of that is a little  
15 breakfast area table.

16 Q. Where's the backdoor?

17 A. To the right marked "backdoor" with arrow and  
18 opening there.

19 Q. And then living room?

20 A. Living room, yes.

21 Q. What are these rooms back here?

22 A. There's two bedrooms there at the southeast  
23 corner.

24 Excuse me, the diagram, if I can mention  
25 is not to scale. There will be measurements in there,

1 but the actual appearance of it is not exactly -- each  
2 room is not actually to scale. So one room may look a  
3 little smaller in the diagram, just for reference.

4 Q. Okay.

5 Then the study?

6 A. Yeah, the study and a short little hallway  
7 north of that and study to the master bedroom.

8 Q. And then what's behind the master bedroom?

9 A. Master bathroom to the corner of Jacuzzi tub,  
10 and to the right is a walk-in closet, and up to this  
11 corner is the toilet room.

12 Q. And then there's another closet inside?

13 A. Yes.

14 Q. I'm going to show you State's Exhibit No. 1.  
15 On this one, State's Exhibit No. 1, you focus only on  
16 the bedroom and the master bath?

17 A. Yes.

18 Q. Why did you do that?

19 A. This is the room where the decedent was found,  
20 and items of evidence were found, the knife in the tub  
21 and the walk-in closet.

22 Q. You've got measurements here. Why did you take  
23 measurements?

24 A. To show the relationship of items of evidence,  
25 and the relationship of items that were placed inside



1 the room.

2 Q. Now, you took pictures of all this; is that  
3 right?

4 A. Yes.

5 MS. BARNETT: May I approach?

6 THE COURT: You may.

7 Q. (BY MS. BARNETT) Showing you what's been marked  
8 for identification purposes State's Exhibit No. 6  
9 through 31, and 56 through 74. Would you take a look at  
10 those?

11 MS. BARNETT: May I approach?

12 THE COURT: You may.

13 Q. (BY MS. BARNETT) Do you recognize those photos?

14 A. Yes, I do.

15 Q. And have you and I looked through these photos  
16 before?

17 A. Yes, we have.

18 Q. And did you alert me that the exhibits in the  
19 middle, 32 through 55, were not your pictures?

20 A. Yes.

21 MS. BARNETT: Your Honor, we would offer  
22 into evidence State's Exhibit 6 through 31, and 58  
23 through 74. Let the record reflect I'm tendering to  
24 opposing counsel.

25 MR. SECREST: May I have a moment, Your

1 Honor?

2 THE COURT: You may.

3 MR. SECREST: I have no objection, Your  
4 Honor.

5 THE COURT: All right. State's Exhibits 6  
6 through 31 are admitted, and State's 56 through 74 are  
7 also admitted, and you may publish.

8 MS. BARNETT: Thank you.

9 Q. (BY MS. BARNETT) What is this shot on State's  
10 Exhibit No. 6?

11 A. Location shot of where it occurred, corner  
12 street.

13 Q. And the house we're talking about, 9538 Kelsey  
14 Meadows, that's the street sign for it?

15 A. Yes.

16 Q. Now, the top says there's no outlet. What does  
17 that mean?

18 A. The street's pretty much a dead-end outlet.  
19 There's no way out. You have to come back out from that  
20 direction.

21 Q. So kind of a cul-de-sac, but not really?

22 A. Yes.

23 Q. You can't go through?

24 A. Correct.

25 Q. What does this show us?

1           A.     That's the -- facing the front of the house,  
2 that house of the event.

3           Q.     Is this the address?

4           A.     Yes.   That's a closeup showing the address,  
5 9538.

6           Q.     State's Exhibit No. 9?

7           A.     Midrange shot of the front of the garage.

8           Q.     And No. 10?

9           A.     Another view of the garage showing the vehicles  
10 parked there in the front.

11          Q.     What is this yellow tape?

12          A.     That's the Sheriff's Office barrier tape,  
13 keeping people off the crime scene area.

14          Q.     And you cordoned off the crime scene so no one  
15 can trample through it, right?

16          A.     Yes.

17          Q.     And nobody can mess it up?

18          A.     Yes.

19          Q.     And part of that is unavoidable or couldn't be  
20 saved because five family members came through inside?

21          A.     Yes, before the deputies arrived.

22          Q.     Showing you State's Exhibit No. 12.

23          A.     Showing the side of the house.

24          Q.     Is there any broken gates, or anything to the  
25 right of the house?

1 A. No.

2 Q. Did you take a look at this truck?

3 A. Yes.

4 Q. Were you able to tell whether or not there were  
5 any broken windows on the truck?

6 A. There weren't any.

7 Q. You took pictures of the sides of the truck?

8 A. Yes.

9 Q. Do you know, or do you remember, if the truck  
10 was locked?

11 A. Yes, it was locked.

12 Q. Did it look like there had been any forced  
13 entry to the truck?

14 A. There were no signs of forced entry.

15 Q. What does this show us?

16 A. That's showing the front door to the house.

17 Q. Did you check to see if there was any forced  
18 entry to the door?

19 A. Yes. There were no signs of forced entry.

20 Q. Why did you take this picture?

21 A. For documenting the door signs, the door jamb,  
22 showing no signs of forced entry there.

23 Q. And would you be able to tell -- I mean, what  
24 signs would you look at in order to determine forced  
25 entry on the door?

1 A. Generally broken splintered wood, any pry marks  
2 around the door lock.

3 Q. And did you look for that?

4 A. Yes.

5 Q. And did you find any?

6 A. No.

7 Q. Another picture of the door, 27, what are you  
8 showing here?

9 A. Interior side of the door lock and opening  
10 lever.

11 Q. Yet another picture of the door. What's it  
12 showing?

13 A. Overall interior of the door.

14 Q. Picture of the locks?

15 A. Showing the locks are intact.

16 Q. Another picture of the locks?

17 A. Showing the locks were intact, also showing  
18 what type of lock it is. Showing if it was a  
19 lever-activated deadbolt, and not a key deadbolt.

20 Q. Tell me why you did that?

21 A. Just showing that you don't have to have a key  
22 to exit the door. If the door is closed and locked,  
23 that someone could leave the house by simply unlatch --  
24 excuse me, unlock it by turning the lever and not need a  
25 key to get out.

1 Q. All right. Okay. Let's say the door is  
2 locked, and they maneuver the lever to let themselves  
3 out, can they lock the door from the outside without a  
4 key?

5 A. No.

6 Q. And was the front door locked, to your  
7 knowledge?

8 A. I don't know.

9 Q. Okay. State's Exhibit 56, what does that show  
10 us?

11 A. Backdoor to the residence.

12 Q. Did you take pictures of the backdoor of the  
13 residence?

14 A. Yes.

15 Q. And what is this at the bottom of State's  
16 Exhibit 57?

17 A. That's a pet door, doggie door.

18 Q. Let's look at 58. What does that show us?

19 A. That's the front of the house showing the  
20 garage door, two separate garage doors. The garage door  
21 on the right side of the picture is up.

22 Q. Were you able to find any kind of pad on the  
23 outdoor part of the house that allowed access to the  
24 garage using a key pad?

25 A. No, there was none.

1 Q. You looked for that?

2 A. Yes.

3 Q. Did you look really hard for that?

4 A. Yes.

5 Q. And there's no way to access the garage through  
6 a keypad on the outside?

7 A. Correct.

8 Q. What is this, State's Exhibit 59?

9 A. That's the view on the right-hand side garage  
10 door inside of the garage.

11 Q. Did this bicycle belong to any members of the  
12 investigative team, anybody ride a bike there?

13 A. No.

14 Q. Do you know who the bicycle belonged to?

15 A. No.

16 Q. What is this?

17 A. Bag of yard leaves, yard debris.

18 Q. State's Exhibit 60?

19 A. Showing the interior of the garage there, all  
20 the items.

21 Q. Does that look like a quick get-away path from  
22 the kitchen door to outside?

23 A. It looks like it would be difficult to maneuver  
24 through that area -- well, it was difficult to maneuver  
25 while we were there.

1 Q. Tell us what you mean?

2 A. There was numerous items on that side of the  
3 garage that had to be stepped over and stepped through  
4 to get from one side of the garage -- from that area of  
5 the garage to the other. There were containers,  
6 buckets, bags of trash, tools and equipment all on that  
7 side of the garage.

8 Q. Explain to the jury -- tell us about -- what  
9 did you see in that garage? Was there a lot of stuff  
10 there, not very much stuff there?

11 A. Significant amount of items there. Lot of  
12 power tools. Just along these bags was a paint sprayer  
13 machine. There was, like, I said, numerous power tools.  
14 I saw welding equipment, the bicycle was there. There  
15 was a lot of stuff -- lot of shelving, lot of equipment  
16 on the shelves, just a lot of items.

17 Q. State's Exhibit 61, is that the area you're  
18 talking about?

19 A. Yes.

20 Q. And back on State's Exhibit No. 61, does that  
21 look like a point of exit that a home invader would go  
22 through? Does it appear to you that anybody had made --  
23 or had gone exiting through that? Was there anything  
24 dumped over in the leaves -- anything messed up that  
25 would happen if someone was exiting the home quickly?



1 A. It didn't look disturbed.

2 Q. All right. Sixty-two, what does that show us?

3 A. That's the opposite direction just standing  
4 outside -- well, just outside the garage door leading  
5 into the house from the garage in front of the vehicle  
6 parked in there. The opposite direction of the previous  
7 photo.

8 Q. Okay. Does it look like there's a lot of room  
9 with the car in the garage -- what I mean by that, is  
10 there a lot of room on either side of the car now that  
11 it's parked in the garage?

12 A. No.

13 Q. What does this show us?

14 A. That's the direction from the left side of the  
15 car to the other side of the garage, showing all the  
16 items inside of the garage. All the shelving, stuff in  
17 the shelves, tools and equipment stacked on the side of  
18 the garage.

19 Q. State's Exhibit 56?

20 A. Standing inside the garage on that side  
21 showing -- you can see on that side a paint sprayer at  
22 the bottom of the photograph, what appears to be mowing  
23 equipment, gauges hanging on the shelving unit. Because  
24 they're built-in shelving units there, looks like a  
25 generator down there on the bottom. Tool chest, cords

1 and tool bags and things on the shelves. Every shelf  
2 had, like, tools and equipment on them.

3 Q. There was a lot of stuff in that garage; would  
4 you agree?

5 A. Yes.

6 Q. Did it appear anything had been rifled through  
7 or things that weren't evaluated. Like things weren't  
8 taken and shoved down on the ground?

9 A. No.

10 Q. Looked like it was in order?

11 A. Yes.

12 Q. State's Exhibit No. 67, same thing?

13 A. Yes. View towards the vehicle parked in there.

14 Q. And I would like to look at that. Can you tell  
15 what that is?

16 A. That's a view on the wall -- the garage door  
17 opener buttons on the wall.

18 Q. So the way to -- if you're inside the home, the  
19 way to open the garage door would be stepping out of the  
20 door that aligns the kitchen to the garage and pushing  
21 the button?

22 A. Yes.

23 Q. Do you know whether or not pushing the button  
24 if the light comes on?

25 A. Yes, it does.

1 Q. State's Exhibit No. 68, what is this?

2 A. Boxes of -- photograph of the right of the  
3 recycle bin. Some items in there, including old laptop  
4 computer.

5 Q. Now, I want to ask you, did you -- did you ever  
6 notice next to the car that there was any type of a  
7 backpack, some type of green and black backpack that was  
8 in the garage?

9 A. I don't recall it, no.

10 Q. If you thought something was important to the  
11 investigation, would you have collected it?

12 A. Yes.

13 Q. So -- and you don't remember anything about a  
14 green and black backpack?

15 A. No.

16 Q. So are there times when the investigators, if  
17 they are interviewing a witness and there's something  
18 they want you to take a look at, they can contact you  
19 and ask you to do that; is that right?

20 A. Yes.

21 Q. Did that happen during this investigation?

22 A. As far as the green and black backpack?

23 Q. No, anything with regards to the house?

24 A. Yes.

25 Q. So if there had been something about a green

1 and black backpack, they would have called you and asked  
2 you to look at it?

3 A. Yes.

4 Q. And would you have collected it?

5 A. Yes.

6 Q. But that didn't happen in this case?

7 A. Correct.

8 Q. State's Exhibit No. 69?

9 A. Photo of recycle bin showing the laptop.

10 Q. And 71?

11 A. That's the side -- left-hand side of the  
12 vehicle, and one of the items leaning against the wall.

13 Q. Seventy-two?

14 A. Just inside the door, the mats, just right off  
15 the door of the garage.

16 Q. Now on 72, it shows us a little bit of shredded  
17 paper, doesn't it?

18 A. Yes.

19 Q. Is that something you noticed inside the house?

20 A. Yes, throughout the house.

21 Q. And you just took several photographs of just  
22 the shredded paper?

23 A. Yes.

24 Q. Why?

25 A. Seems kind of out of the ordinary. Shredded

1 paper in the living room and areas of the house seemed  
2 little unusual. A lot of shredded paper around the  
3 house and direction the detectives directed me to go  
4 photograph a lot of shredded paper and document it.

5 Q. Even though you didn't know if that had  
6 anything to do with the case?

7 A. Right.

8 Q. And another picture of the car?

9 A. Yes.

10 MS. BARNETT: May I approach the witness?

11 THE COURT: You may.

12 Q. (BY MS. BARNETT) Showing you what's been marked  
13 for identification purposes State's Exhibit 65 through  
14 138. Take a look at that, please.

15 Do you recognize those exhibits?

16 A. Yes.

17 Q. Are those pictures that you took?

18 A. Yes.

19 Q. Do they fairly and accurately represent the  
20 scene as you saw it December 23, 2012?

21 A. Yes.

22 MS. BARNETT: We would offer State's  
23 Exhibit 65 through 138 and tender to opposing counsel.

24 MR. SECREST: May I have just a moment,  
25 Your Honor?

1 THE COURT: You may.

2 MR. SECREST: I have no objection to the  
3 admissibility of State's Exhibit 75 through 139, Your  
4 Honor.

5 THE COURT: I have 75 through 139 are  
6 admitted. You may publish.

7 This is a good time for our morning break.

8 THE BAILIFF: All rise for the jury.

9 (Break taken.)

10 THE COURT: The jury is present. Please  
11 be seated.

12 State, you may proceed.

13 MS. BARNETT: Thank you, Judge.

14 Q. (BY MS. BARNETT) All right. State's Exhibit  
15 No. 79, what does that show us? The front entry?

16 A. Yes, view of the front of the house and front  
17 entry.

18 Q. Okay. And in this set of pictures starts at  
19 the front door?

20 A. Yes.

21 Q. Take a look at 76. What do you see here?

22 A. View opposite from the front door. Front door  
23 top left of that photograph of the dining room area to  
24 the right, the dining room table, just front of that, is  
25 a mop-up area, mop entry to the house to the left.

1 Q. Do you remember if you were able to smell  
2 anything when you came in the house?

3 A. I didn't smell anything.

4 Q. State's Exhibit 77?

5 A. Entryway table side of the wall.

6 Q. Did it look like anything was in disarray in  
7 the living room?

8 A. No.

9 Q. Or entry hall?

10 A. No.

11 Q. Seventy-eight?

12 A. That's the entry, the dining area to the left  
13 to the top.

14 Q. This is the dining area?

15 A. Yes.

16 Q. Dining room chair?

17 A. Yes.

18 Q. Kitchen?

19 A. Correct.

20 Q. Did you see any type of -- any blood or debris  
21 on the floor in the kitchen or dining room area?

22 A. No. Just the shredded paper, that's all.

23 Q. We'll get to that.

24 Anything that looked like it was in  
25 disarray in the china cabinet in State's Exhibit 80?

1 A. No.

2 Q. Did it look like it had been opened or touched?

3 A. No.

4 Q. State's Exhibit 81, there were two dining room  
5 chairs on one side and one on the other. Is that the  
6 way you saw it when you got there?

7 A. Yes.

8 Q. And the way the mop is when you got there?

9 A. Yes.

10 Q. And you took a closeup of the mop?

11 A. Yes.

12 Q. Why?

13 A. Just to show what was in the bucket.

14 Q. Which --

15 A. Clear liquid in the bucket, looked like water.

16 Q. Could you tell if it had been used recently?

17 A. I couldn't tell.

18 Q. Even closer, why did you take that?

19 A. To show anything that might have been on the  
20 mop itself.

21 Q. Is this something you're trying to be careful?

22 A. Trying to be thorough.

23 Q. What does State's Exhibit 86 show us?

24 A. Dining room table at the bottom of the photo  
25 that went toward the back doorway, the center of the



1 photo door to the kitchen.

2 Q. And did you see anything, like were any pots  
3 broken or thrown on the ground, any type of disarray  
4 like that?

5 A. No.

6 Q. State's Exhibit 87?

7 A. That's the doorway to the left center leading  
8 to the laundry room and to the garage.

9 Q. Let me ask you to focus on -- what's that I'm  
10 focusing on?

11 A. There are some small rugs, they were just kind  
12 of stacked up there on the floor. I pulled it over.

13 Q. Did that appear anywhere else in the house?

14 A. There's some pillow shams in the bathroom area  
15 that appeared to be used as small rugs on the floor.

16 Q. And the pillow shams that appear to be rugs, do  
17 they appear to have the same appearance on the ground  
18 maybe as some other rugs?

19 A. Yeah.

20 Q. So this wasn't out of the ordinary?

21 A. Right.

22 Q. And you took a picture of the rugs  
23 specifically?

24 A. Yes.

25 Q. Why?

1           A.    To show the appearance of them.  Rugs stacked  
2 up, just what they were.

3           Q.    What is this?

4           A.    That's the floor of the laundry room.

5           Q.    And is this the door to the garage?

6           A.    Yes.

7           Q.    And was there any blood you saw on the floor as  
8 if someone had made an exit through the garage door and  
9 had blood on them?

10          A.    I didn't see any blood.

11                   MR. SECREST:  What number is that?

12                   MS. BARNETT:  Ninety.

13                   MR. SECREST:  Thank you.

14          Q.    (BY MS. BARNETT) What is this, please?

15          A.    That's looking -- to the left is the doorway,  
16 the kitchen, and to the right is the china cabinet.

17          Q.    And is this is the dining room chair we've been  
18 talking about before, or the dining room set?

19          A.    Yes.

20          Q.    And entry into the kitchen?

21          A.    Yes.

22          Q.    State's 92?

23          A.    Standing in the kitchen to the right, the  
24 doorway leading into the dining room area.

25          Q.    Let me ask you to take a look at the bottom

1 right. What is that?

2 A. That's a chair with a cordless drill sitting on  
3 the top of the chair.

4 Q. Is that something that could be easily stolen  
5 and transported?

6 A. Yes.

7 Q. Take a look at State's 93. What do you see  
8 here?

9 A. Floor of the kitchen to the right countertop  
10 island. Top left is the chair with the drill on it  
11 mentioned in the previous photo.

12 Q. At the bottom left here, did you open that  
13 cabinet door, or was that the way it was when you saw  
14 it?

15 A. That's the way it was.

16 Q. And do you know if there was liquor stored in  
17 that cabinet, or do you remember?

18 A. I don't recall.

19 Q. Ask you to take a look at 94. What does that  
20 show?

21 A. Shows the opposite view from the kitchen  
22 countertop on the left and sink. Open door -- cabinet  
23 door to the bottom.

24 Q. What do we have here?

25 A. There's a bottle of liquor on the counter.

1 Q. And does that look like a full bottle?

2 A. No.

3 Q. State's Exhibit 95, what do we have here?

4 A. Another view of the kitchen counter and sink  
5 and different kitchen appliances on the countertop.  
6 Knife on a cutting board.

7 Q. Now, did you handle any of these items before  
8 you took this picture?

9 A. No.

10 Q. Did you pick up anything or adjust anything or  
11 wash anything or do anything?

12 A. No.

13 Q. Just took the picture the way it was?

14 A. Yes.

15 Q. What is that?

16 A. That looked like it's from the mixing machine.  
17 Had some contents in it, some red-colored contents in it  
18 in the red plastic container.

19 Q. Are you familiar with Juicers?

20 A. Don't have one, I'm not very familiar with  
21 them.

22 Q. I'll move on.

23 What is this?

24 A. Cutting board, knife on top of it.

25 Q. Did you take a up-close picture of the cutting

1 board and the knife?

2 A. Yes.

3 Q. Why?

4 A. To show the stabbing scene. So typically a  
5 knife would be particularly interesting in a case like  
6 that.

7 Q. Did it appear to your knowledge when you were  
8 there that that was involved in the stabbing?

9 A. No.

10 Q. And another picture of the knife?

11 A. Yes.

12 Q. And another picture of the knife?

13 A. Yes.

14 Q. Let me ask you to take a look at State's  
15 Exhibit 100. What is this back here?

16 A. That's a board placed across the walkway  
17 leading from the kitchen to the breakfast area, kind of  
18 blocking the path.

19 Q. All right. And I'm going to approach the  
20 diagram, State's Exhibit No. 2, and ask did you make  
21 note of that on State's Exhibit No. 2?

22 A. No, it's not noted on the diagram.

23 Q. And why not on this diagram?

24 A. It's not noted on there basically because it  
25 appeared to be a temporary item in the house, so it

1 wasn't noted on this diagram as far as being temporary  
2 or a permanent fixture.

3 Q. State's Exhibit 101?

4 A. Closer up photo of that. Little trash can in  
5 the front, piece of plywood laying across that opening.

6 Q. Could you tell whether or not that had anything  
7 to do with the dogs?

8 A. Yes. There was -- plywood blocking area there,  
9 and was also items blocking the other side of that  
10 counter that appeared to be an area where they keep the  
11 dogs penned up in the breakfast area.

12 Q. State's Exhibit No. 103, what does this show?

13 A. That's showing the breakfast area, a view from  
14 the living room area.

15 Q. Is there anything that indicates whether or not  
16 the dogs -- someplace the dogs would hang out?

17 A. Yes.

18 Q. And you see feed bowls?

19 A. Feed bowls.

20 Q. And is there a barricade on this side keeping  
21 the dogs in this area?

22 A. Yes, there is.

23 Q. What does State's Exhibit 105 show us?

24 A. It's another view of the breakfast area showing  
25 the backdoor, the top right of the breakfast table on

1 the left.

2 Q. What is this at the bottom of the door?

3 A. That's a little doggie door.

4 Q. And did you process the backdoor for anything?

5 A. Yes, for fingerprints.

6 Q. Did you also make a determination whether or  
7 not there was forced entry to that door?

8 A. Yes.

9 Q. What did you determine?

10 A. There was no signs of forced entry, no signs of  
11 tampering.

12 Q. Was the glass broken on the door?

13 A. No, it was not.

14 Q. Did it look like it had been tampered with in  
15 any type of way?

16 A. No.

17 Q. Was it locked?

18 A. Yes, it was.

19 Q. State's 106?

20 A. More closeup photo of the backdoor.

21 Q. 107?

22 A. Closeup photo of doorknob with the deadbolt  
23 lever showing the locking mechanism of the deadbolt on  
24 the lever. You can actually see the deadbolt itself in  
25 the -- in the picture in the locked position.

1 Q. And was it like that when you got there?

2 A. Yes.

3 Q. Closeup photograph?

4 A. Another closeup showing the deadbolt in the  
5 locked position.

6 Q. Another photograph of the deadbolt?

7 A. Yes.

8 Q. What is 110 showing us?

9 A. That's taken from the entryway, showing the  
10 living room.

11 Q. 111?

12 A. Taken from opposite area showing the living  
13 area. Kitchen to the top right, dining room to the  
14 left.

15 Q. Did you see any disarray to the living room?

16 A. No.

17 Q. Did it look like anything had been gone through  
18 or tossed aside?

19 A. No.

20 Q. Did it look like there was anything indicating  
21 that there were home invaders in the living room?

22 A. No.

23 Q. State's Exhibit 112, what is that?

24 A. Photo of coffee table in the middle of the  
25 living room. Showing types of items on the coffee



1 table.

2 Q. And the way we see this here is the way you saw  
3 it when you first came in the house?

4 A. Yes.

5 Q. Does it look like anything had been gone  
6 through or pushed over or damaged in any way?

7 A. No.

8 Q. State's Exhibit 115, what is that?

9 A. Another view of the living room. Excuse me.  
10 Showing furniture table in the middle. To the left are  
11 windows that face out to the backyard. At the center is  
12 a short hallway leading to the master bedroom.

13 Q. Talking about right here?

14 A. Yes.

15 Q. And the master bedroom is on the left?

16 A. Yes. You can see the door -- actually, yes,  
17 right there.

18 Q. Okay.

19 State's Exhibit No. 177.

20 A. Another view of the living room showing a  
21 vacuum cleaner, front of the fireplace to the left.  
22 There's a flat-panel television right there in the  
23 center of the photograph.

24 Q. Are there electronics?

25 A. Yes, electronics below the television.

1 Q. Did it look like the electronics were messed  
2 with in any way?

3 A. No. There was one cord coming out from the  
4 television. But beyond that, one cord hanging down, it  
5 didn't look like they were tampered with at all.

6 Q. Did it look like they had been moved or  
7 attempted to get out?

8 A. No.

9 Q. And was there anything unplugged on the bottom,  
10 the electrical stuff on bottom?

11 A. No, not that I can tell.

12 Q. Did it look like anything had been adjusted  
13 down there?

14 A. No.

15 Q. Did you look through the trash?

16 A. Yes.

17 Q. Why did you look through the trash?

18 A. To see if there were any items of evidence in  
19 the trash.

20 Q. Did you find something to collect?

21 A. Yes.

22 Q. What did you collect?

23 A. Store receipt at the top of the trash can.

24 Q. And some ice cream?

25 A. Yes, something right there.

1 Q. State's Exhibit 122, what is this?

2 A. It's a drawer in the kitchen containing  
3 utensils, including several knives.

4 Q. Now, did you open the drawer?

5 A. Yes.

6 Q. Why did you open the drawer?

7 A. Looking for knives in the kitchen that may  
8 match the same type of knife that was found in the  
9 master bathroom.

10 Q. And did you find that?

11 A. Yes.

12 Q. State's Exhibit 123, what is that a closeup of?

13 A. Same drawer showing same type of utensils that  
14 are in there.

15 Q. Did you take the knife out?

16 A. Yes.

17 Q. Why?

18 A. To look for the same type of knives that were  
19 in the master bathroom.

20 Q. 124?

21 A. Showing all the knives that were in that  
22 drawer.

23 Q. Take a look at State's Exhibit 125. What does  
24 that show?

25 A. That's a knife that actually matched the same

1 brand of the knife that was found in the master  
2 bathroom.

3 Q. Are you able to read that?

4 A. Yes. Branding Calphalon.

5 Q. And did you take multiple pictures of that?

6 A. Yes.

7 Q. 128, what is this?

8 A. That's the knife that was discovered in the --  
9 inside the master bathtub.

10 Q. All right. Does it have a brand on it?

11 A. Yes.

12 Q. What is that?

13 A. Calphalon.

14 Q. And can you describe the base of the knife?

15 A. It has a flat, smooth handle. It's a silver  
16 blade.

17 Q. At the bottom of it?

18 A. Yes.

19 Q. Let go back to 124. Do you recall -- is this  
20 the knife that matched?

21 A. Yes, it is.

22 Q. Does it have the same type body?

23 A. Yes, it does.

24 Q. What does 130 show us?

25 A. That's a closeup of the knife that was in the

1 bathtub, showing there's some substance -- closeup of  
2 the name of the knife itself. Also, there's some  
3 substance on the knife.

4 Q. Do you take pictures of that?

5 A. Yes.

6 Q. Now, how did -- you said -- I believe you  
7 testified earlier that the knife was in the bathtub; is  
8 that right?

9 A. Yes.

10 Q. How did it get from the bathtub to here?

11 A. I recovered it from the bathtub.

12 Q. 131, what does that show us?

13 A. Another angle of the knife. There was some  
14 substance on the knife. It appeared to be some type of  
15 possible biological matter.

16 Q. Did you take multiple pictures of that?

17 A. Yes.

18 Q. Why?

19 A. To show different pictures, different angles,  
20 different closeups of the material of the knife.

21 Q. 135?

22 A. Another closeup. That's, like, the hilt of the  
23 knife there.

24 Q. 136?

25 A. Different angle of the hilt of the knife.

1 MS. BARNETT: May I approach the witness?

2 THE COURT: You may.

3 Q. (BY MS. BARNETT) Showing you what's been marked  
4 for identification purposes State's 140 through 210.  
5 Take a look at those, please.

6 Do you recognize State's Exhibit No. 140  
7 through 210?

8 A. Yes.

9 Q. Did you take those pictures?

10 A. Yes.

11 Q. Do they fairly and accurately reflect what's in  
12 140 through 210?

13 MS. BARNETT: Your Honor, I'm offering 140  
14 through 210. Let the record reflect I'm tendering to  
15 Defense counsel.

16 MR. SECREST: One second.

17 I have no objection to the admissibility  
18 of State's Exhibit 140 through 210, Your Honor.

19 THE COURT: State's Exhibits 140 through  
20 210 are admitted, and you may publish.

21 MS. BARNETT: Thank you.

22 Q. (BY MS. BARNETT) Sir, I'm showing you 140.  
23 What does this show us?

24 A. That's a bedroom at the southeast corner of  
25 their house.

1 Q. State's Exhibit 142?

2 A. Yes, that's looking into that same bedroom,  
3 southeast corner of the house.

4 Q. Was the mattress tumped over or anything when  
5 you went into the room?

6 A. No.

7 Q. Was the mattress the way you see it here?

8 A. Yes.

9 Q. Was there any signs of disarray in the room?

10 A. No.

11 Q. State's 144, what do we see here?

12 A. That's the opposite direction of the same room.  
13 Chest of drawers on the left, with couple of drawers  
14 slightly pulled open.

15 Q. Have you been a CSU investigator on robbery  
16 cases?

17 A. Yes.

18 Q. Or home invader cases?

19 A. Yes.

20 Q. And do you see drawers pulled out, things like  
21 that?

22 A. Yes.

23 Q. Do you ever see anything like this?

24 A. On typical home invasions, the drawers that are  
25 pulled out are usually pulled out all the way, or

1 there's usually items strewn about the room. There's  
2 mattresses turned over. Usually the whole room is in  
3 complete disarray, things are turned over.

4 This room appeared very neat with only a  
5 couple of drawers pulled out. It didn't seem riffling  
6 through.

7 Q. Do you sometimes see drawers pulled all the way  
8 out, dumped and dropped?

9 A. Yes.

10 Q. Did you see that in this case?

11 A. No.

12 Q. 145, what does this show us?

13 A. It's the corner of the room. Some items there  
14 are on the floor. There's a case in the corner that  
15 appears to be like maybe some type of musical instrument  
16 case that appears to not be disturbed.

17 Q. All right. And what is this?

18 A. That's, like, an amplifier.

19 Q. And is an amplifier something somebody could  
20 make money off of if they stole it?

21 A. Yes.

22 Q. Does that appear to be a guitar case?

23 A. Yes.

24 Q. Did you check to see whether or not there was a  
25 guitar there?



1           A.    I didn't check because it appeared not to be  
2 disturbed.

3           Q.    And if a guitar was stolen there from home  
4 invaders, I guess the people that stole it would neatly  
5 put it back against the wall?

6           A.    If the guitar had been taken out, then  
7 obviously it had been closed back up and placed back up  
8 against the wall there.

9           Q.    And that's how you found it?

10          A.    Yes.

11          Q.    State's Exhibit 146, what else do you see here?

12          A.    On top of the chest of drawers is, like, a  
13 jewelry box, a dark-colored jewelry box there.  And  
14 there's some items of jewelry laying on the chest of  
15 drawers there, and lying on the jewelry box.

16          Q.    Are TVs popular items to steal?

17          A.    Yes, they are.

18          Q.    Does this appear, in your opinion, to be  
19 riffled through?

20          A.    No.

21          Q.    State's Exhibit 151, what does that show us?

22          A.    There's a little box there that's opened up.  
23 There's some items -- appear to be some coins in that  
24 box.  There's a string of -- looks like what appears to  
25 be a pearl necklace hanging on top of that other box

1 just above that.

2 Q. Did you take a closeup of the pearls?

3 A. Yes. They appear to be undisturbed.

4 Q. What does this show us?

5 A. That's on the side of the bed, the nightstand.

6 One of the drawers was opened up. There's some videos

7 in the drawer.

8 Q. Did you open that drawer, or was it like that?

9 A. It was like that.

10 Q. Did it appear anything was taken out of it?

11 A. No.

12 Q. Is this the same drawer?

13 A. Yes.

14 THE COURT: Ms. Barnett, could you state  
15 the Exhibit number?

16 MS. BARNETT: Yes, ma'am.

17 Q. (BY MS. BARNETT) 154, did you think anything  
18 was taken out of it?

19 A. Not to my knowledge.

20 Q. 155, what do you see here?

21 A. Another view of the bed. You can see no sheets  
22 on the bed. The covers are just pulled back up to the  
23 head of the bed. There's a nightstand on left side with  
24 the drawer partially opened.

25 Q. All right. And did you -- this is 155. Did

1 you partially open that, or is that the way it was?

2 A. That's the way it was.

3 Q. 156?

4 A. Showing how the drawer was opened, and what was  
5 on the nightstand.

6 Q. And you took even more of a closeup of that  
7 one?

8 A. Yes.

9 Q. 157.

10 Look at 159, what does this show us?

11 A. That's the -- showing the closet in that same  
12 bedroom. The closet door is open.

13 Q. Does it look like there's any disarray shown in  
14 State's 159?

15 A. No disarray of the closet.

16 Q. 161, does it look like anything was riffled  
17 through in 161?

18 A. Correct. It didn't appear anything was riffled  
19 through or any disarray.

20 Q. 162, same thing?

21 A. Yes, another view of the shelves in the closet.

22 Q. State's Exhibit 165, where is this now?

23 A. That's the bedroom -- excuse me. So on the  
24 east side of the house, spare bedroom.

25 Q. This is a different room from where we just

1 were?

2 A. Yes.

3 Q. And I'll ask you to look at 166. Is this the  
4 room we were just in?

5 A. Yes.

6 Q. And now we're going to this room?

7 A. Yes, correct.

8 Q. So in entering this, 168, in entering this  
9 room, what is this door?

10 A. That's the door to the closet.

11 Q. And what's this closet?

12 A. It's hanging clothes, some shelves and items,  
13 some bags used for storage for different things.

14 Q. I'm looking at 169. Is this what you're  
15 talking about?

16 A. Yes.

17 Q. 170, what does that show us?

18 A. There's hanging storage container things.  
19 There's some -- apparently some wigs, bags. There's  
20 some bags on the ground there and boxes on the shelves.

21 Q. Was there something else that you collected  
22 from this closet?

23 A. Yes.

24 Q. What is that?

25 A. There's some red cords in this closet.

1 Q. Can you describe the cords?

2 A. Cords are -- were tied in a knot -- just some  
3 red -- I don't know what they went to. They basically  
4 were tied -- unknown type of cord tied in knots.

5 Q. 171, these the same ones?

6 A. You.

7 Q. Did you recover those?

8 A. Yes.

9 Q. And 172, is this what we're talking about, this  
10 cord right here?

11 A. Yes.

12 Q. And why did you recover it?

13 A. It was under the direction of the Homicide  
14 Investigators.

15 Q. Okay. Were you -- you took a picture of  
16 Mr. Melgar's body when it was in the closet, right?

17 A. Yes.

18 Q. Did he have anything on his body that was  
19 similar to this cord?

20 A. Yeah, he had a cord around his body.

21 Q. Was it the approximate size and color of this  
22 cord?

23 A. Yes.

24 Q. Why did you take this picture, sir, 173?

25 A. It was showing the cord was tied into a knot.

1 Q. And was the knot important?

2 A. Yes. The Homicide Investigators wanted to show  
3 the comparison of the type of knots and the two types of  
4 cords.

5 Q. I think I already asked that: You collected  
6 this, did you not?

7 A. Yes.

8 Q. What is this -- 174th showing?

9 A. That shows the cords there in the type of knots  
10 that are in the cords.

11 Q. Are we -- State's Exhibit 176, are we in the  
12 same room?

13 A. Yes.

14 Q. Does this show signs of disarray?

15 A. No.

16 Q. And is the drawer we see here in 176 the way  
17 that you found it, or did you open it?

18 A. That's the way it was found.

19 Q. So this is same as the others?

20 A. Yes.

21 Q. Is this a picture of the -- is 177 a closer  
22 picture of that drawer?

23 A. Yes.

24 Q. 178, any signs of disarray?

25 A. No.

1 Q. 179, any signs of disarray?

2 A. No.

3 Q. 180, any signs of disarray?

4 A. No.

5 Q. 181, any signs of disarray?

6 A. No. Just a cabinet was opened.

7 Q. What is that?

8 A. The television there.

9 Q. 182, same thing?

10 A. Yes. No disarray, just cabinet was open.

11 Q. 186, what does this show us?

12 A. Door leading into the study.

13 Q. And do you mark the study on your exhibit here,  
14 State's Exhibit 2?

15 A. Yes.

16 Q. So the study is going to be next to the master?

17 A. Yes.

18 Q. What did you notice in the study?

19 A. The dogs were kept in the study. They were  
20 penned up. Both doors were closed, apparently to keep  
21 the dogs in there.

22 Q. Do you remember how many dogs were in there?

23 A. There were two.

24 Q. In the middle of 186, this orange and white  
25 thing, what is that?

1           A.     That's a pad -- pee pad for the dogs.   And  
2 there was dogs' marks on the pads.   They had been there  
3 for a while.

4           Q.     So you saw some type of doggie -- did you smell  
5 anything?

6           A.     Yes, yes.

7           Q.     What did you smell?

8           A.     Dog urine, and there were feces in there with  
9 the dogs.

10          Q.     Did the dogs bark at you?

11          A.     I don't recall if they were barking or not.

12          Q.     187, what does that show?

13          A.     That's showing the view of the study, one of  
14 the dogs there.

15          Q.     Could you tell whether or not this was a place  
16 that was set up for the dogs on regular occasions?   Did  
17 it appear to you that or not, or do you know?

18          A.     I couldn't tell whether it was or not.

19          Q.     188, what do we see here?

20          A.     That's another view of the study.   There's --  
21 there's a back, left door leading out of the study.  
22 Just to left there, there's a large television.

23          Q.     189, what does that show us?

24          A.     Piano to the left, large armoire chest to the  
25 right there.



1 Q. Is this some of the dog feces that you're  
2 talking about?

3 A. Yes, yes.

4 Q. 190, what is this?

5 A. That's a desk there, office desk. There's a  
6 computer monitor right there. Computer there under the  
7 desk. There's a printer there, also. To the back of  
8 this area, there's a printer.

9 Q. It's not showing up on the screen. Is this  
10 what you're talking about?

11 A. Yes.

12 Q. The printer?

13 Was this clean -- was this study as tidy  
14 as some of the other rooms?

15 A. No, it was cluttered.

16 Q. What do you mean?

17 A. There were numerous items on the desk, and the  
18 tables didn't seem like it was in disarray like it had  
19 been riffled through. But it was just cluttered. There  
20 were office things everywhere. It wasn't neat.

21 Q. Did it look like somebody's useable office --

22 A. Yes.

23 Q. -- office that they were using?

24 A. Yes.

25 Q. 191, what is this?

1           A.     Another view of the desk.   You can see dog  
2 feces on the floor there.

3           Q.     None of the papers looked like they've been  
4 riffled through?

5           A.     No.

6           Q.     193, what is this?

7           A.     That's a shredder.

8           Q.     Is that something that may account for some of  
9 the little slips of paper that were around the house?

10          A.     Yes.

11          Q.     194, go ahead?

12          A.     That's the hall bathroom.

13          Q.     Was there anything in the hall bathroom that  
14 gave you any pause, 195?

15          A.     No.

16          Q.     Did you see any blood there, 196?

17          A.     No.

18          Q.     Did you see anything in disarray in the hall?

19          A.     No.

20          Q.     198, why did you take this picture?

21          A.     There was just some debris at the bottom of the  
22 trash can.   Could have been some ash or dirt.

23          Q.     Okay.   Was it anything that made you think that  
24 there -- it was something that was related to Mr.  
25 Melgar's death?

1 A. No.

2 Q. 199, anything in the tub?

3 A. No.

4 Q. 202, did you take pictures of the laundry room?

5 A. Yes.

6 Q. Why did you take pictures of the laundry room?

7 A. To document appearance of the room.

8 Q. 202, what is that?

9 A. That's a view of the door that leads into the  
10 garage.

11 Q. Okay. 204, anything look amiss in the laundry  
12 room?

13 A. No.

14 Q. Anything with the washer and dryer, 205?

15 A. No.

16 Q. Did you take a picture of the laundry?

17 A. Yes.

18 Q. Why did you take a picture of the laundry?

19 A. To document how it looked in there.

20 Q. And is it important to document everything?

21 A. Yes.

22 Q. Do you know whether or not that piece of cloth  
23 has anything to do with the murder case?

24 A. No, not at the time.

25 Q. 209, what does that show us?

1           A.     That's showing washing machine and items on the  
2 shelves.

3           Q.     The cleaning items?

4           A.     Yes.

5                     MS. BARNETT:   May I approach the witness?

6                     THE COURT:    You may.

7           Q.     (BY MS. BARNETT) Sir, I'm showing you what's  
8 been marked as 211 through 268. Take a look at those,  
9 please. Did you take those pictures, sir?

10          A.     Yes.

11          Q.     Do they fairly and accurately represent the  
12 scene as you saw it December 23, 2012?

13          A.     Yes, they do.

14                    MS. BARNETT:   Your Honor, we would offer  
15 into evidence State's Exhibit No. 211 through 267.

16                    THE COURT:    All right.

17                    MS. BARNETT:   May I approach?

18                    THE COURT:    Yes.

19                    MS. BARNETT:   I skipped one -- I missed  
20 one.   264A.

21                    THE COURT:    So it's going to be 264A.

22                    MS. BARNETT:   So I'm offering into  
23 evidence State's Exhibits 211 through 268, including --

24                    THE COURT:    You were offering 211 through  
25 267.

1 MS. BARNETT: There's an A.

2 THE COURT: Any objections?

3 MR. SECREST: No objection, Your Honor, to  
4 211 through 268.

5 THE COURT: Are you including 268? That's  
6 the last one.

7 MS. BARNETT: 268.

8 THE COURT: Okay. So State's Exhibit 211  
9 through 268, including 264A are admitted, and you may  
10 publish.

11 Q. (BY MS. BARNETT) What room are we talking about  
12 here, is this the master?

13 A. Master bedroom.

14 Q. That's what you call the master bedroom?

15 A. Yes.

16 Q. State's Exhibit No. 211, where are you when  
17 you're taking this picture?

18 A. I'm taking the picture from the living room  
19 towards the hallway leading to the master bedroom.  
20 Master bedroom door is to the left.

21 Q. Through this door?

22 A. Yes.

23 Q. State's Exhibit No. 215, where were you when  
24 you took this picture?

25 A. Doorway of the master bedroom, at the end of

1 master bedroom.

2 Q. And when you look straight ahead, what do you  
3 see?

4 A. The master bathroom.

5 Q. The master bathroom has two doors?

6 A. Yes.

7 Q. Were they opened like they're pictured here?

8 A. Yes.

9 Q. State's Exhibit No. 216, what does that show?

10 A. That's to the -- center there is the door  
11 leading into the master bedroom.

12 Q. All right. And what is over on this side?

13 A. That's a walk-in closet.

14 Q. State's Exhibit No. 217, what does that show?

15 A. That's a small chest of drawers. Door to the  
16 master bedroom is to the left of that.

17 Q. And what do we see at the bottom of State's  
18 Exhibit 217?

19 A. On the floor?

20 Q. Yes, sir.

21 A. There's a couple of prescription bottles on the  
22 floor.

23 Q. Are prescription drugs something that is an  
24 item that could be taken in burglaries?

25 A. Yes.

1 Q. The drawers that you see, did it appear they  
2 had been riffled through?

3 A. There was -- they're open. There was a bag  
4 that was partially out of the top drawer.

5 Q. Are you talking about this white plastic bag?

6 A. Yes.

7 Q. Okay.

8 A. And that was the only item really that was in  
9 disarray there.

10 Q. State's Exhibit 218, what does that show?

11 A. Same chest of drawers. There's a glass that  
12 appears to be water in it on top of the chest there.  
13 There's a little framed, like -- excuse me, I'm sorry.  
14 There's a little framed picture frame right there on the  
15 left, right there, standing up on top of it.

16 Q. What's this at the bottom of this drawer?

17 A. Inside the drawer, among other items, is a  
18 camera.

19 Q. Is that something that would be easy to steal?

20 A. Yes.

21 Q. State's Exhibit 220, what does that show us?

22 A. Some other items on the floor near that chest  
23 of drawers there.

24 Q. And some brown boots?

25 A. Brown boots, yes.

1 Q. State's Exhibit 222, you took a closeup  
2 photograph?

3 A. Yes. Pill bottles there and little pill pouch.

4 Q. 224, what do we see here?

5 A. A door to the master bedroom is on the  
6 left-hand side of the photograph. The windows to the  
7 right leading out to the backyard. On the right-hand  
8 side is a treadmill.

9 Q. Speaking of the windows, did you check every  
10 window?

11 A. Yes.

12 Q. What did you check every window for?

13 A. All the windows were closed and locked. I  
14 didn't see any signs of tampering with the windows.

15 Q. Did you take pictures of every window?

16 A. Yes.

17 Q. State's Exhibit 226, what is this?

18 A. That's the window seal. The windows, there's  
19 some type of -- homemade type of antenna sitting in the  
20 window sill.

21 Q. Did it seem to be disrupted, anything along  
22 this line here?

23 A. No.

24 Q. 227, what is there on the side of the bed?

25 A. The doors to the master bathroom on the top



1 right, yes, the right-hand side is the chest of drawers  
2 and the bed. The bed is to the left.

3 Q. 228?

4 A. That's the treadmill, looking down on the  
5 treadmill. There's a glass with some liquid sitting on  
6 the treadmill.

7 Q. Do you know what was in the glass?

8 A. No, I don't.

9 Q. Can you tell whether or not it was alcoholic  
10 beverage or not?

11 A. I couldn't tell.

12 Q. 231?

13 A. Another view of the treadmill. Some clothing  
14 inside the basket there.

15 Q. 232?

16 A. View looking toward the master bathroom. The  
17 bed and dresser is to the right.

18 Q. Did you take a picture of that?

19 A. Yes.

20 Q. Up close picture?

21 A. Yes.

22 Q. What was it?

23 A. Pair of panties.

24 Q. 234, that's --

25 A. Closeup picture of the pair of panties on the

1 floor.

2 Q. 235, what is this?

3 A. That's the dresser on the north side of the  
4 bedroom.

5 Q. I think there's a photo later on, but did you  
6 happen to notice the items that were inside the drawer?

7 A. Yes.

8 Q. Did you notice whether or not they were  
9 standing upright, or were they lying down?

10 A. They were standing upright.

11 Q. Does that mean anything to you?

12 A. Yes. It appeared that the drawer -- the items  
13 in the drawer wasn't, like, riffled through. It  
14 appeared someone didn't go through the drawer, and  
15 riffle through it at all. Maybe the drawer was pulled  
16 open slowly, and not violently pulled open.

17 Q. 236, what does that show us?

18 A. That's on the nightstand of the bed. Some  
19 items inside a container.

20 Q. 238?

21 A. That's a single pill on top of the nightstand.

22 Q. 240?

23 A. View of dresser showing some items on top of  
24 dresser there.

25 Q. Anything knocked over that you can tell?

1 A. No.

2 Q. Does it look like anything was riffled through  
3 here?

4 A. No.

5 Q. A different view, what does that show us?

6 A. Another view of the top of the dresser.

7 Q. Later, I believe, there's a top to this jewelry  
8 box on the bed; is that right?

9 A. Yes.

10 Q. Did it appear like anything was taken out of  
11 that?

12 A. Not to my knowledge.

13 Q. 242, what's that show us?

14 A. That's showing the drawers. The dresser  
15 partially pulled out.

16 Q. Could you tell if anything was riffled through?  
17 You already talked about this top drawer where things  
18 were still standing up. Was anything riffled through to  
19 your knowledge that you could tell on this dresser?

20 A. There's one piece of clothing on the left-hand  
21 side that is partially pulled out.

22 Q. This right here?

23 A. Yes.

24 Q. Okay.

25 A. Beyond that, everything else pretty much looked

1 in place.

2 Q. 243, socks on the ground?

3 A. Another view of a few articles on the ground.  
4 Appear to be socks.

5 Q. You took an up close view of the sock, didn't  
6 you?

7 A. I believe I did.

8 Q. 244?

9 A. Showing the socks on the floor.

10 Q. 245, what's this?

11 A. That's a view facing south in the master  
12 bedroom. The view of the walk-in closet.

13 Q. And what is in the background here?

14 A. That's where Jaime Melgar was at inside the  
15 closet.

16 Q. And we see him here?

17 A. Yes, we do.

18 Q. What is this on 245?

19 A. That's a chair that appears to be the same type  
20 of chair as in the dining room.

21 Q. All right. 246?

22 A. That's the foot of the bed. The walk-in closet  
23 is to the right.

24 Q. What do we have here?

25 A. There's a white stool sitting to the right side

1 of the bed, sitting behind that chair mentioned in the  
2 previous photo.

3 Q. All right. Were you able to tell where that  
4 came from?

5 A. No.

6 Q. 247?

7 A. That's the nightstand on the south side of the  
8 bed. Showing items on top of the nightstand.

9 Q. No disarray, nothing turned over?

10 A. No.

11 Q. And you took up close pictures of that, 248?

12 A. Yes.

13 Q. 249?

14 A. Yes.

15 Q. 252, what does this show us?

16 A. That's the foot of the bed showing items laying  
17 on top of the bed itself.

18 Q. Did it appear to you that that was in disarray?

19 A. There are items scattered on top of the bed.

20 Q. 253?

21 A. Yes, purse, wallet opened up. A few items  
22 appeared to be possibly from the purse and from the  
23 wallet, lying there.

24 Q. 254?

25 A. Another angle of the same items.

1 Q. 255?

2 A. Yazi cell phone lying on the bed.

3 Q. Is a cell phone something that's taken during  
4 burglaries?

5 A. Yes.

6 Q. 256?

7 A. Cards laying on the bed there.

8 Q. All right. Now is this something that you put  
9 out like this, or is this the way you saw it?

10 A. That's the way I saw it.

11 Q. What are some of these items?

12 A. Lowe's credit card there and just some other  
13 miscellaneous cards.

14 Q. That was on the bed like we see it now?

15 A. Yes.

16 Q. And was this this way, or not?

17 A. No, this was not this way.

18 Q. What do you mean?

19 A. This was moved to show what the items are.

20 Q. That's obviously a Bank of America card?

21 A. Yes, right, bank card, yes.

22 Q. What are these things?

23 A. Receipts. Their relevance is the dates. It's  
24 December 22, 2012, close to the date of the event, so  
25 they show a time frame is the -- near the time of the

1 event.

2 Q. And this shows December 22nd, 8:59?

3 A. Yes.

4 Q. State's Exhibit No. 260, what is this?

5 A. These are some other items on the bed. Lid to  
6 the box mentioned earlier, some items, ring on bed  
7 there.

8 Q. This is the box top?

9 A. Yes.

10 Q. 262?

11 A. That's the view of the bed, again. Also, some  
12 clothing items on the bed there, foot of the bed, and  
13 showing the purse.

14 Q. Look at 264, what do you see here?

15 A. I see the head of the bed, pillows up against  
16 the head of the bed there.

17 Q. All right. Did you pay particular attention to  
18 this pillow, the green pillow on the right?

19 A. Yes.

20 Q. 265?

21 A. That's the opposite direction from the previous  
22 photo showing a pillow and head of the bed and items on  
23 the pillow on the right.

24 Q. Now, was it like this when you took the  
25 picture, or when you first saw it --

1 A. Yes.

2 Q. -- or did you pull that from underneath it?

3 A. It was like that.

4 Q. Did you take the pillow off of it?

5 A. Yes.

6 Q. 266, is that just a closeup?

7 A. Yes.

8 Q. Before you moved it?

9 A. Yes.

10 Q. 267, is this what it is?

11 A. Yes, it is.

12 Q. 268, what is it?

13 A. Those are items in the bag, they're sexual  
14 items. Sexual aids type of items; some lubricant, those  
15 types of things.

16 Q. Did you collect that?

17 A. No.

18 Q. Why?

19 A. They didn't seem relevant to the event at the  
20 time.

21 THE COURT: This is a good time for our  
22 lunch break.

23 Ladies and gentlemen, my stomach is  
24 growling. Your food is here. We're going to break for  
25 45 minutes. But if you're not done by then, that's



1 fine. Just let us know when you're ready to proceed and  
2 ring the bell.

3 THE BAILIFF: All rise for the jury.

4 (Lunch break.)

5 THE COURT: Ms. Barnett, you may proceed.

6 MS. BARNETT: May I approach?

7 THE COURT: You may.

8 Q. (BY MS. BARNETT) Sir, I'm going to show you  
9 what's been marked for identification purposes, State's  
10 Exhibit No. 269 through 286. Take a look at those and  
11 see if you can identify them.

12 Did you take those pictures?

13 A. Yes.

14 Q. Do they fairly and accurately represent the  
15 scene you saw on December 23, 2012?

16 A. Yes, they do.

17 MS. BARNETT: Your Honor, we would offer  
18 into evidence State's Exhibits 269 through 286. And let  
19 the record reflect I'm tendering to opposing counsel.

20 THE COURT: It will.

21 MR. SECREST: No objection.

22 THE COURT: State's Exhibits 269 through  
23 286 are admitted, and you may publish.

24 Q. (BY MS. BARNETT) What did this -- what do these  
25 set of photographs show, sir?

1           A.     Those photographs show the chair and a stool  
2 beside the bed showing the blood stains on the items.

3           Q.     Okay.  Now, what we have -- is that the doorway  
4 from the hallway to the right that goes into the master  
5 bedroom?

6           A.     Yes, it is.

7           Q.     Now, the closet where the body was found, is  
8 that right here?

9           A.     Yes.

10          Q.     So the chair we're talking about is right here?

11          A.     Yes.

12          Q.     Let me show you State's Exhibit No. 270.  Does  
13 it appear that the seating part of the chair is closely  
14 aligned with the closet?

15          A.     Yes, it is.

16          Q.     And let me also go back.  And the novelty, sex  
17 novelty toys, those were found under this green  
18 pillowcase?

19          A.     Yes.

20          Q.     What does 271 show us?

21          A.     That's the view facing east, the door to the  
22 closet standing open on the right-hand side.  The dining  
23 room chair that's on the left hand in the center facing  
24 away from the -- facing east, and the stool is behind  
25 it.

1 Q. What does that appear to be on the stool?

2 A. Appears to be blood on the stool.

3 Q. What does that appear to be on the chair?

4 A. Also, blood on the chair.

5 Q. State's Exhibit No. 272, what does that show  
6 us?

7 A. Another angle, same items, showing blood on top  
8 of the stool.

9 Q. What does that appear to show?

10 A. There's some blood spots on the sheet on top of  
11 the bed.

12 Q. Did you take a picture of that?

13 A. Yes.

14 Q. Does that appear to be fresh blood?

15 A. It appeared to be blood that was consistent  
16 with the same event.

17 Q. State's Exhibit 274?

18 A. A more closeup photo of blood on top of the  
19 stool.

20 Q. Now, are you proficient in talking about  
21 bloodstain pattern?

22 A. Yes.

23 Q. What type of bloodstain pattern is this?

24 A. That appears to be some transfer stains there  
25 and kind of a mixture of some transfer stain and some

1 swipe pattern there.

2 Q. What is transfer stain?

3 A. Transfer stain is just when there's blood on  
4 one object, and it comes into contact with another  
5 object, just transferred to the other object.

6 Q. And what is the second one you talked about?

7 A. Swipe.

8 Q. What is that?

9 A. There's a swipe and a wipe. Swipe is when  
10 there's blood on an object, and you actually swipe it  
11 and move the blood that's on the object.

12 Q. And wipe?

13 A. Wipe is when you have blood on your -- on an  
14 object, and you deposit it when you're wiping. Could be  
15 a combination of actually both.

16 Q. Okay. Does that look like any of what you're  
17 talking about, swipe, wipe, or transfer?

18 A. No. That appears to be some drip blood, and  
19 just some blood flow down the back part of the chair.

20 MR. SECREST: Excuse me, Ms. Barnett, for  
21 the record, what exhibit is that?

22 MS. BARNETT: I apologize, 275.

23 MR. SECREST: Thank you.

24 Q. (BY MS. BARNETT) And does that look like  
25 blood -- again on 275, same transaction?

1           A.     Yes, some blood flow down the wooden part of  
2 that chair and dripped on the wood part.

3           Q.     And you took a closeup of that, did you not, on  
4 276?

5           A.     Yes.

6           Q.     And 277?

7           A.     Yes, a closeup of the back of the chair.

8           Q.     280, is that the same blood spots looked at  
9 before?

10          A.     Yes, on the sheet.

11          Q.     Did you take pictures of the front of the  
12 chair?

13          A.     Yes.

14          Q.     Showing you State's Exhibit No. 281, what do we  
15 see here?

16          A.     That's the front of the back of the chair, the  
17 wooden part. There's some blood flow going down the  
18 face of the back of the chair.

19          Q.     All right. How can you tell that the blood  
20 flow is going down?

21          A.     There's a wider spot of blood on the upper  
22 section, and it channels down to a narrow, more  
23 concentrated flow of blood down lower and concentrates  
24 down to a stream-looking channel of blood.

25          Q.     When you look -- and I'm on State's Exhibit

1 281, does it appear that some of the droplets have  
2 direction to them?

3 A. Yes. Also, above the flow, there's some drip  
4 blood that are oblong shaped. And you can see the  
5 downward directionality to them.

6 Q. And did it appear that any of the blood was  
7 pooling?

8 A. Yes. There's pool blood on that lower section.

9 Q. State's Exhibit No. 282, is that another part  
10 of the chair?

11 A. Yes. There's some top circular part, there's  
12 also some drips of blood there showing the downward  
13 direction.

14 Q. And as with the others, I'm assuming you did  
15 take closeups, 283?

16 A. Yes.

17 Q. Did you find any blood on the seat, or on  
18 the -- what would you call this on the seat of the  
19 chair?

20 A. On the seat was some bloodstains on the seat of  
21 the chair. It's possibly transfer stains or drip blood.  
22 It was hard to determine, but there was some bloodstains  
23 on the seat of the chair right there in the center.

24 Q. That's on State's Exhibit 285.

25 And State's Exhibit 286?

1           A.     More closeup of the bloodstain seat of the  
2 chair.

3           Q.     Also, back of the chair?

4           A.     Appears to be drip stains on the back of the  
5 chair to the cloth.

6                         MS. BARNETT:   May I approach?

7                         THE COURT:    You may.

8           Q.     (BY MS. BARNETT) And just so we're clear, that  
9 chair that we're speaking about is right outside the  
10 closet?

11          A.     Yes.

12          Q.     I'm going to show you what's been marked for  
13 identification purposes State's Exhibit No. 287 through  
14 318.  Would you take a look at those, please.

15                         Did you take those photographs?

16          A.     Yes.

17          Q.     Do you recognize them?

18          A.     Yes.

19          Q.     Do they fairly and accurately represent the  
20 scene as you saw it on December 23, 2012?

21          A.     Yes.

22                         MS. BARNETT:   Your Honor, I offer those  
23 exhibits into evidence.  287 to 318, and let the record  
24 reflect I'm tendering to opposing counsel.

25                         THE COURT:    It will.

1 MR. SECREST: No objection, Your Honor.

2 THE COURT: All right. State's Exhibits  
3 287 through 318 are admitted, and you may publish.

4 Q. (BY MS. BARNETT) The entries to the master  
5 bathroom has two doors; is that right?

6 A. Yes.

7 Q. Showing you 287, those doors in 288 appear to  
8 be open; is that right?

9 A. Yes.

10 Q. 289, when you're standing at the entrance of  
11 the master bath, what do you see?

12 A. These are looking towards the Jacuzzi tub  
13 directly in front of you.

14 Q. What does 290 show us?

15 A. That's a view into the bathroom looking toward  
16 the northeast. The shower is to the right. Next to  
17 that to the right is the walk-in closet. Directly ahead  
18 is a toilet room, and to the left is a north sink.

19 Q. So what is this door entry to?

20 A. That's the walk-in closet.

21 Q. That's the closet that the defendant's clothing  
22 items are in?

23 A. Yes.

24 Q. 291, what does this show us?

25 A. That's the north sink, some toiletry items on



1 the sink, pair of scissors that the family members used  
2 to cut the cords that was on the defendant.

3 Q. And did you do any testing on that sink?

4 A. Yes.

5 Q. And the Sprite bottle, I assume that was on the  
6 scene when you got there?

7 A. Yes.

8 Q. 293.

9 294, what does this show us?

10 A. View of the Jacuzzi tub in the corner of the  
11 bathroom.

12 Q. When you got there, was the Jacuzzi on?

13 A. No.

14 Q. Was the water in there like it was now?

15 A. Yes.

16 Q. Were the items that were seen in the photograph  
17 in 294 there when you got there?

18 A. Yes.

19 Q. Did you see any liquor bottles around the tub?

20 A. Yes, on the --

21 Q. Sorry --

22 A. Left side -- getting my directions straight.

23 Left side of the photograph, rim of the  
24 bathtub.

25 Q. And what is this?

1           A.    It's a little container holding strawberries,  
2 and to the top of that is a container of whip cream with  
3 strawberries in it.

4           Q.    Could you tell whether any of the strawberries  
5 had been eaten?

6           A.    They appeared to be eaten.

7           Q.    295?

8           A.    That's another view showing items in the  
9 bathtub.

10          Q.    297, what does that show us?

11          A.    That's a view from -- looking from the area of  
12 the toilet room back toward the entrance of the  
13 bathroom, entrance on left-hand side of the photo, and  
14 what I refer to as the south sink in the bathroom.

15          Q.    299?

16          A.    That's the counter of the south sink with  
17 numerous items on top of the counter.

18          Q.    What does this appear to be?

19          A.    Jewelry case, appeared to be.

20          Q.    And did that appear to be -- what did it look  
21 like to you?

22          A.    It was open.  There was some jewelry boxes on  
23 the counter nearby it.  Items of jewelry in the boxes  
24 and some open boxes there, the jewelry boxes.

25          Q.    302?

1           A.     There's a partially open drawer on the counter.  
2 On the floor is a CVS bag and a small space heater  
3 there.

4           Q.     303, what's in the sink there?

5           A.     That's a brassiere.

6           Q.     Did you do testing on that sink?

7           A.     Yes.

8           Q.     Did you take multiple pictures of the sink?

9           A.     Yes.

10          Q.     State's Exhibit 309, what is that?

11          A.     That's some items on the floor just outside the  
12 bathtub; robes, I believe, towels, and some underwear.

13          Q.     Why did you take this picture?

14          A.     To document what kind of items were on the  
15 floor.

16          Q.     310?

17          A.     Another closeup of the items laying on the  
18 floor.

19          Q.     311?

20          A.     That's a view of the total room, the master  
21 bathroom.

22          Q.     312 -- excuse me, 313?

23          A.     Another view of the toilet room. On the floor  
24 is one of the pillow shams that I referred to earlier  
25 that was apparently used as a bathmat.

1 Q. A mat or some type of small rug?

2 A. Yes.

3 Q. Is that the only pillow sham that you saw there  
4 that was used as a mat or a rug?

5 A. No.

6 Q. Where was the other ones, if you remember?

7 A. In the main area of the bathroom.

8 Q. State's Exhibit 315, what is this?

9 A. That's the shower in the master bathroom.

10 Q. 316?

11 A. Another view of the bottom of the shower.

12 Q. Did you do testing on the shower?

13 A. Yes.

14 Q. 317, what type of testing did you do?

15 A. I treated it with a chemical reagent on the  
16 shower surfaces.

17 MS. BARNETT: May I approach the witness?

18 THE COURT: You may.

19 Q. (BY MS. BARNETT) Showing you what has been  
20 marked, sir, as State's Exhibit 319 through 340. Would  
21 you take a look at these and tell me whether or not you  
22 can identify them?

23 Did you take those photographs?

24 A. Yes.

25 Q. Do you recognize them?

1 A. Yes.

2 Q. Do they fairly and accurately represent the  
3 scene as you saw on December 23, 2012?

4 A. Yes.

5 MS. BARNETT: We would offer into evidence  
6 State's Exhibit 319 through 340, and tendering to  
7 opposing counsel.

8 MR. SECREST: Your Honor, I have no  
9 objection to 319 through 340.

10 THE COURT: State's Exhibits 319 through  
11 340 are admitted, and you may publish.

12 Q. (BY MS. BARNETT) What does this set show us,  
13 sir?

14 A. The items in the master bathroom on the floor.

15 Q. 319, what is this?

16 A. It's showing a chair in the master bathroom,  
17 two pillow shams on the floor, and cords on the floor  
18 that you can also see.

19 Q. You took pictures of all of that?

20 A. Yes.

21 Q. What is this a picture of?

22 A. Also appears to be a scarf that was laying on  
23 top of those items outside the tub.

24 Q. Did someone, or anyone, indicate to you that  
25 the scarf was important?

1 A. Yes.

2 Q. You collected it?

3 A. Yes.

4 Q. Now, the way we see it here, the way the shams  
5 are, the way the scarf is, is that the way you found it?

6 A. Yes.

7 Q. 320, what does that show?

8 A. That's another view, opposite angle of the sham  
9 on the floor and the way it's turned up.

10 Q. 323?

11 A. View showing pillow shams on the floor, the  
12 chair to the left. There's some purple cords on the  
13 floor to the right. One near the closet door.

14 Q. And did you collect the purple cords?

15 A. Yes.

16 Q. Now, the sham that's right in the middle of  
17 State's Exhibit 323, is that -- is that close in  
18 proximity to the closet, the defendant's closet?

19 A. Yes, it is.

20 Q. 327?

21 A. That's more of a closeup view of the scarf that  
22 was laying there by the bathtub.

23 Q. Do you recall how many pieces of scarf there  
24 were that match this pattern?

25 A. Can I refer to my report?

1 Q. Of course.

2 A. Two pieces.

3 Q. Okay. Are you sure? Could there be three  
4 pieces?

5 A. I'm sorry, I did miss one. There were three  
6 pieces.

7 Q. Okay. Do you recall if there were any -- it  
8 appears that there's a knot in one of them?

9 A. Yes.

10 Q. Is that the way you found them?

11 A. Yes, it is.

12 Q. Let me show you State's Exhibit 328. You  
13 talked about some purple cord. Is that what's reflected  
14 in 328?

15 A. Yes, it is.

16 Q. Is that another piece, 328?

17 A. Yes.

18 Q. Well, what about that?

19 A. Yes.

20 Q. And what does 330 show us?

21 A. Shows us a piece of scarf and cord laying on  
22 top of it.

23 Q. Now, were you told, or did you have an idea  
24 about how -- what the scarf and the purple cord had to  
25 do with this case?

1 A. Yes.

2 Q. What was your understanding?

3 A. That the scarf had been tied around Sandra  
4 Melgar's wrist, and the cord was tied around her ankles.

5 Q. And as far as the way you saw the scene, this  
6 is after the family members have come in and taken them  
7 off of her; is that right?

8 A. Yes.

9 Q. So the way we see it here is the way the family  
10 left it?

11 A. Correct.

12 Q. And closeup, 331, right?

13 A. Yes, closeup of the same items.

14 Q. 332, closeup of the sham?

15 A. Yes.

16 Q. Does it appear that there's a tear there?

17 A. Yes, there's tear in the sham.

18 Q. Was that before you got there? I mean, you  
19 guys didn't tear it?

20 A. Correct. It was there already.

21 Q. 333, another piece of purple?

22 A. Yes.

23 Q. 334.

24 And closeup, 336?

25 A. Yes, piece of purple cord.



1 Q. What is 338?

2 A. That's a chair so that as -- there's a cover  
3 over the chair. Showing closeup of the chair.

4 Q. Is it your understanding that the chair played  
5 a part in this deal, too?

6 A. Yes.

7 Q. What was your understanding?

8 A. That the chair had been -- when the family  
9 arrived, they found the chair parked up underneath  
10 doorknob of the closet door.

11 Q. On the outside?

12 A. On the outside, yes.

13 Q. What does 339 show us?

14 A. The side view of the chair. There's a small  
15 reddish-colored spot on the chair cover.

16 Q. 340?

17 A. Closeup of the spot.

18 Q. Did you collect the chair cover?

19 A. Yes.

20 Q. I mean, that's -- it's a cover of the chair?

21 A. Yes.

22 MS. BARNETT: Your Honor, may I approach?

23 THE COURT: You may.

24 Q. (BY MS. BARNETT) Showing you, sir, what's been  
25 marked as 341 through 347. And would you take a look at

1 them and tell me if you can identify them, please. Can  
2 you identify them?

3 A. Yes.

4 Q. Did you take those pictures?

5 A. Yes.

6 Q. Do they fairly and accurately represent the  
7 scene as you saw it on December 23, 2012?

8 A. Yes.

9 MS. BARNETT: May the record reflect I'm  
10 tendering to opposing counsel.

11 THE COURT: It will.

12 MR. SECREST: No objection.

13 THE COURT: All right. State's Exhibits  
14 341 through 347 are admitted, and you may publish.

15 Q. (BY MS. BARNETT) What are these pictures, what  
16 do these pictures show?

17 A. That's showing the bathtub and items inside the  
18 bathtub.

19 Q. 341, what does this turn out to be?

20 A. Inside the bathtub, there's a white blouse --  
21 of all the items in the bathtub?

22 Q. Well, let's get to them in just a second.  
23 Thank you.

24 342, what do you see here?

25 A. Inside the bathtub there there's a kitchen

1 knife, a white blouse, a green towel, and a white towel.

2 Q. All right. So we saw pictures of a knife  
3 earlier on, not a part of the kitchen set, but one by  
4 itself. Is it that knife?

5 A. Yes, it is.

6 Q. And is it your understanding that this knife is  
7 the murder weapon?

8 A. At the time it was unknown if it was the murder  
9 weapon, but it was in the master bathtub, which is in  
10 close proximity to where the decedent was at. So police  
11 believed it was the murder weapon at the time.

12 Q. And certainly this is unusual type of -- for  
13 the knife to be in the bathtub, and with a person  
14 stabbed right down the road, right?

15 A. Yes.

16 Q. So did you collect all these items?

17 A. Yes.

18 Q. And the way we see it here in 342, is that the  
19 way you first saw it?

20 A. Yes.

21 Q. Were you able to tell before taking the knife  
22 out of the water if it had same type of name brand on  
23 it?

24 A. Yes.

25 Q. You were able to tell that?

1 A. Yes.

2 Q. And did you take a picture showing that?

3 A. Yes.

4 Q. And this is going to be the same brand as the  
5 kitchen knife in the kitchen drawer?

6 A. Yes.

7 Q. Another picture of strawberries?

8 A. Yes.

9 Q. Showing you 348 through 353. Take a look at  
10 them and tell me if you can identify them.

11 Do you recognize them?

12 A. Yes.

13 Q. Do they fairly and accurately represent the  
14 scene as you saw it December 23rd?

15 A. They do.

16 MS. BARNETT: May the record reflect I'm  
17 tendering to opposing counsel?

18 THE COURT: It will.

19 MR. SECREST: No objection to the  
20 admissibility of State's Exhibits 348 through 363.

21 THE COURT: State's Exhibits 348 through  
22 363 will be admitted, and you may publish.

23 MS. BARNETT: Thank you, Judge.

24 Q. (BY MS. BARNETT) 348 is what, sir?

25 A. That's the door to the -- excuse me, walk-in

1 closet master bathroom.

2 Q. This is going to be the defendant's closet,  
3 349.

4 A. Yes.

5 Q. 350?

6 A. Same closet.

7 Q. 351?

8 A. View showing the floor of the closet.

9 Q. And 352?

10 A. Another view of the floor and items on the  
11 floor.

12 Q. Did it appear to you that there are possibly  
13 indentions in the carpet for a chair? Do you see that?

14 A. Yeah, there were some kind of indentions near  
15 the clothing -- there are couple of indentions near the  
16 clothing, yes, in that area right there.

17 Q. Did you see any other indentions in the front?

18 A. I don't recall any other indentions, no.

19 Q. Just these two?

20 A. Yes.

21 Q. Is it your understanding that the chair  
22 featured in 338 is in fact the chair that was in that  
23 closet, or told to be in that closet?

24 A. I don't recall being told that.

25 Q. All right. 352, are we still in the

1 defendant's closet?

2 A. Yes.

3 Q. And is this the way you saw it when you got  
4 there?

5 A. Yes.

6 Q. 354?

7 A. View of the shelving of the hanging clothes  
8 there.

9 Q. 355?

10 A. Built in chest of drawers with a couple of  
11 drawers pulled open.

12 Q. Did it appear to you that the closet had been  
13 riffled through, or just messy, or clean? What was your  
14 opinion?

15 A. There were numerous items on the floor. In my  
16 opinion, there was clear space in the center of the room  
17 that was clear of any items or clothing. It was hard to  
18 determine whether it was a messy closet or left in  
19 disarray or riffled through.

20 Q. 356?

21 A. View of items near the chest of drawers there.

22 Q. And her clothing on 357?

23 A. Yes, clothing all on the rack there.

24 Q. Shelves above it, 358?

25 A. Items on the shelves, yes.

1 Q. Another set of clothes, 359?

2 A. Yes.

3 Q. And above the rack, 360?

4 A. Yes.

5 Q. Anything unusual about that?

6 A. No.

7 Q. 361, beginning of shoes rack on the left?

8 A. Yes.

9 Q. Continuation of it, 362?

10 A. Yes.

11 Q. And the bottom, 363?

12 A. Yes.

13 Q. And 363 gives you an idea how shallow that  
14 closet is with clothes, does it not?

15 A. With the clothes in there?

16 Q. I'm sorry?

17 A. Yes.

18 MS. BARNETT: May I approach the witness?

19 THE COURT: You may.

20 Q. (BY MS. BARNETT) Showing you what's been marked  
21 as State's Exhibits 364 through 381. Could you take a  
22 look at those and tell me if you can identify them,  
23 please? Do you recognize them?

24 A. Yes.

25 Q. Do they fairly and accurately represent the

1 scene as you saw it on December 23, 2012?

2 A. They do.

3 MS. BARNETT: May the record reflect I'm  
4 tendering to opposing counsel?

5 THE COURT: It will.

6 MR. SECREST: No objection to 364 to 381.

7 THE COURT: All right. 364 to 381 are  
8 admitted, and you may publish.

9 Q. (BY MS. BARNETT) What are these pictures of,  
10 sir?

11 A. Pictures of the closet and the walk-in closet  
12 in the master bedroom.

13 Q. Are these pictures taken after Mr. Melgar's  
14 removed from the closet?

15 A. Yes.

16 Q. State's Exhibit 364, what does that show us?

17 A. That's a view looking in from the doorway  
18 showing the floor area where the decedent was located  
19 at.

20 Q. And why did you take pictures of the closet  
21 after Mr. Melgar was removed, 365?

22 A. To review how the closet was beneath the  
23 decedent where we couldn't see beforehand when the  
24 decedent was present. Showing stains and objects  
25 underneath the body.



1 Q. All right. And was there -- was there a lot of  
2 blood there, some blood, what do you remember?

3 A. There was --

4 Q. I guess, that's relative.

5 A. As compared to other scenes I've worked, there  
6 was quite a bit of blood, but not a lot of blood. Very  
7 relative to --

8 Q. Right. And it's confined to the bedroom, and  
9 in this closet, specifically?

10 A. Yes.

11 Q. State's Exhibit No. 365, does that appear to be  
12 blood to you?

13 A. Yes.

14 Q. And what about some of this, does that appear  
15 to be blood?

16 A. Yes, it does.

17 Q. And blood?

18 A. Yes.

19 Q. Let me show you State's Exhibit 368. Does  
20 there appear to be blood on some of these items?

21 A. Yes.

22 Q. On the shelf?

23 A. Yes.

24 Q. On the bar?

25 A. Yes.

1 Q. 370, what type of blood is this? Meaning, the  
2 categorization is what I mean?

3 A. Yeah, on the floor, there's drip blood. You  
4 can see some patterns there, the drip pattern right  
5 across the floor there.

6 THE COURT: Sir, make sure you don't let  
7 your voice trail off. Keep your voice up.

8 Q. (BY MS. BARNETT) Let me ask you to take a look  
9 at 377. What do we see here?

10 A. Again, some blood on the hanging clothes there  
11 above the shelves, and there's some bloodstains on the  
12 wall below the shelf there.

13 Q. And were you made aware that there was some  
14 type of weapon in this closet?

15 A. Yes.

16 Q. And would State's Exhibit 377 tell us where  
17 that weapon is, or can you show us where this weapon  
18 was?

19 A. There's a little organizer thing on the  
20 left-hand side of the photo -- to the right of that. To  
21 the right of this organizer is where the weapon was at.

22 Q. 378?

23 A. Yes, there was a pistol lying on the shelf  
24 there, right below that little organizer.

25 Q. So somewhere underneath these clothes?

1 A. Yes, correct.

2 Q. 379?

3 A. Same pistol.

4 Q. And 380. Was the pistol loaded?

5 A. Yes.

6 Q. And did -- was it in a box, or just by itself?

7 A. Lying by itself loose.

8 Q. And did you discover that, or did one of the  
9 investigators tell you to look for it?

10 A. One of the investigators notified me that it  
11 was there.

12 MS. BARNETT: May I approach the witness?

13 THE COURT: You may.

14 Q. (BY MS. BARNETT) I'm going to show you what's  
15 been marked, sir, State's Exhibit 382 to 411. Would you  
16 take a look at those, please. Do you recognize them,  
17 sir?

18 A. Yes.

19 Q. Do they fairly and accurately represent the  
20 scene as you saw it December 23, 2012?

21 A. They do.

22 MS. BARNETT: May the record reflect I'm  
23 tendering to opposing counsel?

24 THE COURT: It will.

25 MR. SECREST: Your Honor, I have no

1 objection to the admissibility of State's Exhibit 382  
2 through 411.

3 THE COURT: All right. State's Exhibits  
4 382 to 411 are admitted, and you may publish.

5 Q. (BY MS. BARNETT) What are these pictures of,  
6 sir?

7 A. Those are photos of the decedent.

8 Q. Showing you State's Exhibit 382, what does that  
9 show us?

10 A. That shows a photograph of Jaime Melgar as he  
11 was in the closet.

12 Q. And to your knowledge, was he -- was the scene  
13 changed by the defendant as far as putting a cover -- or  
14 trying to put cover over him?

15 A. Not to my knowledge, no.

16 Q. 383, what does that show, sir?

17 A. Closeup of the decedent, and there's a red cord  
18 across his body.

19 Q. And the red cord that's across his body, is  
20 that red cord that we were talking about that was seen  
21 in the extra bedroom that kind of looked alike?

22 A. Yes.

23 Q. State's Exhibit 384, does that appear to be  
24 blood on the side -- on the clothing side next to  
25 Mr. Melgar?

1 A. Yes.

2 MS. BARNETT: Can we approach?

3 THE COURT: Yes.

4 (Bench conference.)

5 MS. BARNETT: Does she need to take a  
6 break?

7 THE COURT: What are you referring to?

8 MS. BARNETT: The defendant is crying.

9 MR. SECREST: Well, what do you think she  
10 is going to do? That's her dead husband.

11 MS. BARNETT: That she did.

12 MR. SECREST: She didn't do shit.

13 THE COURT: Anything else?

14 Q. (BY MS. BARNETT) On State's Exhibit 384 there  
15 appear to be stains. One right beside his head, and one  
16 further to the left. Did you notice that?

17 A. Yes.

18 Q. 385, there's this stain that drips -- this  
19 stain, stain on the pole, stain on the shelf, and stain  
20 on the clothing. Do you have -- are those different  
21 types of stains?

22 A. They appear to all be transfer stains.

23 Q. And what does that mean exactly?

24 A. Well, the ones on the wall appear to be  
25 transfer stains and appear to be transfer stains from

1 Jaime Melgar's head that had come in contact with the  
2 wall. The transfer stains on the bar and the shelves  
3 are transfer stains.

4 Q. Is it conceivable that he could have hit his  
5 head on the bar?

6 A. Yes.

7 Q. Is it conceivable that he could have hit his  
8 head on the shelf?

9 A. Yes.

10 Q. State's Exhibit No. 386, what is that?

11 A. Appears to be a brown jacket -- a colored  
12 jacket laying across his legs.

13 Q. And do you know whether or not someone put that  
14 over him after he was already dead?

15 A. I do not know.

16 Q. State's Exhibit No. 387, what do we see here?

17 A. A more wide-angle view, the floor of the  
18 closet. Showing the coat on the floor, some clothing  
19 items on the floor, plastic bag also on the floor there  
20 in the area. And there's some cord wrapped around his  
21 ankles, also.

22 Q. Did you -- obviously, you took pictures of him  
23 with the clothing on top of him, and you took pictures  
24 of the closet without the body. Did you take pictures  
25 in between?

1 A. Yes.

2 Q. On the cord that we see in State's Exhibit 388,  
3 is that the way that you saw it on that day?

4 A. Yes.

5 Q. So it was not around the arms, it's across the  
6 chest?

7 A. Well, his upper part of his waist and chest,  
8 yes.

9 Q. Do you know if it was tied in the back?

10 A. It was not.

11 Q. State's Exhibit No. 390, what do we see here?

12 A. That's a view of his feet and ankles, and  
13 that's a telephone cord that wrapped around his ankles.

14 Q. Did the telephone cord appear to be something  
15 that was tied very tight?

16 A. No.

17 Q. It was a knot on it, State's 391?

18 A. Yes.

19 Q. What's State's 392? Is that blood?

20 A. Yes, there's blood on -- I believe that was  
21 from rope. I don't recall exactly. But there's blood  
22 spots on that. Probably drip blood on that white cloth.  
23 And there's a plastic laundry bag at the top of the  
24 photo.

25 Q. Let's look at the laundry bag. It appears that

1 the laundry bag is between his calves. Is that the way  
2 that you found it?

3 A. Yes.

4 Q. And does that appear to be blood?

5 A. Yes.

6 Q. On the hanger, do you see that?

7 A. Yes.

8 Q. And on the plastic?

9 A. Yes.

10 Q. The plastic between his leg and the loose  
11 telephone cord around his ankles, obviously, that's the  
12 way you found it?

13 A. Yes, it is.

14 Q. So when you lift up the jackets, the two  
15 jackets, is this the way you find his leg there?

16 A. Yes.

17 Q. Upclose picture of telephone cord around his  
18 ankles?

19 A. Yes.

20 MR. SECREST: What number?

21 MS. BARNETT: 396.

22 Q. (BY MS. BARNETT) Is it attached to something?

23 A. No, it's not. The cord is tucked in between  
24 the wall and other items, but it was not actually  
25 attached to anything.



1 Q. So there wasn't, like, some kind of telephone  
2 outlet there, nothing?

3 A. No.

4 Q. So it's just a coincidence that it's behind the  
5 wall?

6 A. Yes.

7 Q. 398, is this blood?

8 A. Yes, it appeared to be, yes.

9 Q. Are you able to tell if the telephone cord was  
10 placed around Mr. Melgar's ankles before or after he  
11 died?

12 A. Could you move the photo up a little bit,  
13 please?

14 Q. Yes. Is that what you mean?

15 A. Yes. It's hard to see in this photo here, but  
16 the plastic bag was actually beneath the telephone cord,  
17 and the other photo, I believe, showed a little better  
18 view of it.

19 Q. 397?

20 A. Yes. You can see the plastic bag there  
21 actually beneath the telephone cord, and I believe the  
22 telephone cord was placed there after the plastic bag  
23 was there between his legs.

24 Q. So after he died?

25 MR. SECREST: Objection to leading.

1 THE COURT: Sustained.

2 Q. (BY MS. BARNETT) Go ahead.

3 A. It appeared to be that the plastic bag that was  
4 semi-wrapped around his legs there was in place, and  
5 then the telephone cord was wrapped around -- loosely  
6 around his ankles afterwards.

7 Q. Afterwards what?

8 A. After he was lying there in the closet.

9 Q. Stabbed?

10 A. Yes.

11 Q. 399?

12 A. That's a view of after the plastic bag was  
13 removed, showing the telephone cord.

14 Q. Are those additional blood spots we see because  
15 other things were removed?

16 A. Yes.

17 Q. And 401?

18 A. Another angle showing his legs, some  
19 bloodstains on his shins there, and blood spot on the  
20 side of his left foot.

21 Q. Is that what you're talking about?

22 A. Yes. It was just a single blood spot kind of  
23 by itself.

24 Q. And you took an upclose of that one?

25 A. Yes.

1 Q. On 402.

2 Also, the different angle, is this another  
3 wound here that we see on his knee?

4 A. Yeah. Might be like a skid mark on his knee  
5 like -- probably like a carpet burn.

6 THE COURT: Exhibit No?

7 MS. BARNETT: I apologize. 403.

8 Q. (BY MS. BARNETT) And is there also some blood  
9 transfer on that same leg on State's 403?

10 A. Yes.

11 Q. And a closeup of the knee wound in 405?

12 A. Yes.

13 Q. 407, what are you taking a picture of here?

14 A. Left hand -- showing the blood deposit on his  
15 left hand. And there's a white tissue near his left  
16 hand there that had blood on it.

17 Q. 408?

18 A. That's a closeup of the knot in the red cord.

19 Q. 409?

20 A. Closeup of wound on his neck.

21 Q. 410?

22 A. Closeup of his face showing any injuries and  
23 bloodstains.

24 MS. BARNETT: May I approach?

25 THE COURT: You may.

1 Q. (BY MS. BARNETT) I'm showing you what's been  
2 marked as State's Exhibit 416 to 419. Tell me if you  
3 can identify those?

4 May I present these to the defense  
5 attorney?

6 THE COURT: You may.

7 MS. BARNETT: I thought this one would be  
8 shorter.

9 MR. SECREST: No objection to 416 through  
10 419, Your Honor.

11 THE COURT: State's Exhibit 416 through  
12 419 are admitted, and you may publish.

13 Q. (BY MS. BARNETT) And what are these, basically?

14 A. Those are receipts collected from the house.  
15 Ones from the trash can, and the other is from the  
16 master bedroom.

17 Q. And this is a CVS card -- CVS receipt; is that  
18 right?

19 A. Yes.

20 Q. Showing December 22, 9:33?

21 A. Yes.

22 Q. And then the receipts that you took on State's  
23 Exhibit 418 from a restaurant you printed out on 4/19;  
24 is that right?

25 A. Yes.

1 Q. And that shows Los Cucos, 8:59, 12/22?

2 A. Yes.

3 MS. BARNETT: May I approach?

4 THE COURT: You may.

5 Q. (BY MS. BARNETT) I'm showing you what's been  
6 marked as State's Exhibit 420 to 433. Take a look at  
7 those, please. Do you recognize them?

8 A. Yes.

9 Q. Do they fairly and accurately represent the  
10 scene as you saw it on December 23, 2012?

11 A. Yes.

12 MS. BARNETT: May the record reflect I'm  
13 tendering to opposing counsel?

14 THE COURT: It will.

15 MR. SECREST: I have no objection to  
16 State's Exhibit 420 to 433.

17 THE COURT: 420 to 433 are admitted, and  
18 you may publish.

19 Q. (BY MS. BARNETT) You talked about seeing  
20 shredded paper around the house?

21 A. Yes.

22 Q. Did you take pictures of it?

23 A. Yes, I did.

24 Q. Did you know whether or not that meant  
25 anything?

1 A. No.

2 Q. Why did you take pictures of shredded paper, if  
3 you didn't know if it meant anything?

4 A. Seemed out place in the house just to have  
5 shredded paper scattered around the floor.

6 Q. And is that what we see in 420?

7 A. Yes.

8 Q. 421?

9 A. Yes.

10 Q. 423?

11 A. Yes.

12 Q. 425?

13 A. Yes.

14 Q. 429?

15 A. Yes.

16 Q. 430?

17 A. Yes.

18 Q. 431?

19 A. Yes.

20 Q. 433?

21 A. Yes.

22 Q. Did it ever, as far as you know, come to  
23 anything?

24 A. No.

25 MS. BARNETT: May I approach witness?

1 THE COURT: Yes, you may.

2 MS. BARNETT: I'm showing you what's been  
3 marked as 434 to 440. Take a look at those, please. Do  
4 you recognize those?

5 A. Yes.

6 Q. Do they fairly and accurately represent the  
7 scene as you saw it on December 23, 2012?

8 A. They do.

9 MS. BARNETT: Your Honor, may the record  
10 reflect I'm tendering to opposing counsel?

11 THE COURT: It will.

12 MR. SECREST: No objection, Your Honor, to  
13 434 to 440.

14 THE COURT: So 434 to 440 are admitted.  
15 You may publish.

16 However, let's take our afternoon break.  
17 Let's take about a 10-minute break, and we'll reconvene  
18 after that.

19 (Afternoon break taken.)

20 THE COURT: Please be seated.

21 State, you may proceed.

22 MS. BARNETT: Thank you.

23 Q. (BY MS. BARNETT) What is State's Exhibit 434?

24 A. A photograph of a fingerprint -- latent  
25 fingerprint developed on the backdoor of the residence.

1 Q. And where all did you try to lift prints from?

2 A. Various areas in the house, doors, door frames,  
3 numerous areas of the house.

4 Q. Points of entry?

5 A. Points of entry, also, yes.

6 Q. And 435, what does that show us?

7 A. That's an overview of the backdoor of the  
8 interior surface of the backdoor.

9 Q. And what is this black stuff? Does that  
10 pertain to anything we talked about?

11 A. That's fingerprint powder.

12 Q. 436?

13 A. Photograph of latent print developed on the  
14 laundry door.

15 Q. 437?

16 A. Another photograph of laundry door showing  
17 fingerprint.

18 Q. Dusting of the fingerprint?

19 A. Yes.

20 Q. Exhibit 438?

21 A. That's a latent fingerprint developed on the  
22 study door.

23 Q. 439?

24 A. That's a photograph of the study door showing  
25 the location of the fingerprint.



1 Q. Is that the powder there, the dusting powder?

2 A. Yes.

3 Q. Do you know if anything -- sorry -- State's  
4 Exhibit 440, what is this?

5 A. Latent fingerprint that was developed on the  
6 exterior lever of the front door. The opening lever has  
7 a oblong-shaped lever. You use your thumb to open the  
8 door.

9 Q. And did anything become of those prints?

10 A. No. All those fingerprints were insufficient  
11 quality for comparison identification.

12 Q. What does that mean, exactly?

13 A. Fingerprint has to be a certain quality to be  
14 able to compare it. When we look at fingerprints, we  
15 examine them, they're comprised of features of  
16 bifurcations, any ridges. Fingerprints have ridges in  
17 them. Most people see a fingerprint has ridges.  
18 There's whirls and different patterns. Well, these  
19 latent fingerprints are varying qualities. And if we  
20 don't have enough features in these patterns, we can't  
21 compare that to another fingerprint. And if they are  
22 poor enough quality, we can't do enough with it, we  
23 don't have enough information there on that fingerprint  
24 to compare it to another fingerprint.

25 Q. Let me show you 434. Is any of that shown

1 here, any of the characteristics you talked about?

2 A. Yes.

3 Q. Can you explain to the jury what you mean by  
4 the ridges?

5 A. Yes. The striations you see in this  
6 fingerprint are the ridges of the fingerprint.

7 Q. Okay.

8 A. You can see pretty much at the center, you can  
9 see an ending ridge. I don't know if this thing is  
10 actually working.

11 Q. Well -- oh, good.

12 A. Oh, it does work.

13 Right there you can make that out. That's  
14 an example of an ending ridge where a ridge just ends in  
15 the middle of two other ridges. That's the type of  
16 feature we look for when we're comparing. So a lack of  
17 enough of these features can cause fingerprints to be  
18 insufficient, not enough quality to compare.

19 Q. And that's the way it was with all of these?

20 A. Yes.

21 MS. BARNETT: May I approach the witness?

22 THE COURT: Yes.

23 Q. (BY MS. BARNETT) I'm going to show you State's  
24 Exhibit 441 through 446. Take a look at these, please.  
25 Do you recognize them?

1 A. Yes.

2 Q. Do they fairly and accurately represent the  
3 scene as you saw it on December 23, 2012?

4 A. They do.

5 MS. BARNETT: May the record reflect I'm  
6 tendering to opposing counsel?

7 THE COURT: It will.

8 MR. SECREST: No objection.

9 THE COURT: State's Exhibit 441 through  
10 446 are admitted, and you may publish.

11 Q. (BY MS. BARNETT) What are these pictures of,  
12 sir?

13 A. Photographs of the closet where the decedent  
14 was found.

15 Q. Showing you 441, is that the safe?

16 A. That's a safe on the east side of the closet,  
17 same closet.

18 Q. If you're looking at the closet straight on, is  
19 that going to be the left or to the right?

20 A. To the left.

21 Q. And on 442, can you tell -- is the safe shown  
22 in the picture?

23 A. Yes, it is to the left.

24 Q. Is it pretty close to proximity to Jaime  
25 Melgar?

1 A. Yes.

2 Q. Showing you State's Exhibit No. 444. What is  
3 that appear to be on that?

4 A. Another photograph of the safe, the handle, and  
5 of the red substance on the handle. At the bottom of  
6 the safe are a pair of keys, appear to be keys, to the  
7 safe door.

8 Q. And State's Exhibit No. 446?

9 A. Another closeup of the safe handle showing red  
10 on the handle.

11 Q. And the keys as they see them in State's  
12 Exhibit 446, is that the way you found them when you  
13 were there?

14 A. Yes.

15 Q. Did you come to receive another set of  
16 photographs of the safe after you had finished taking  
17 pictures in your investigation on this case?

18 A. Yes.

19 Q. Who did you receive the photos from?

20 A. From you.

21 Q. All right. And were there some -- were you  
22 able to tell if they were closer photos on the safe, or  
23 not?

24 A. Yes, they were.

25 Q. And were you able to tell whether or not there

1 is a print that could be analyzed from the safe?

2 A. There were no prints on the safe.

3 Q. Was it a picture of the safe that -- was it the  
4 same -- let me back up for a minute.

5 The picture you had on the safe with the  
6 blood on the handle, was this a similar picture, but  
7 taken by someone else?

8 A. The handle appeared to have been treated with  
9 something, or something appeared to have been applied to  
10 the handle to alter the coloring of it.

11 Q. Were you able to tell in this picture whether  
12 or not a print could be lifted from the handle of the  
13 safe?

14 A. Yes.

15 Q. And could you?

16 A. There was no print on the safe handle.

17 MS. BARNETT: May I approach?

18 THE COURT: You may.

19 Q. (BY MS. BARNETT) Showing you what's marked as  
20 447 through 448. Take a look at these and tell me if  
21 you recognize them, please. Do you recognize those  
22 exhibits?

23 A. Yes.

24 Q. Do they fairly and accurately represent the  
25 scene as you saw it on December 26 -- December 23, 2012?

1           A.     Yes, they do.

2                     MS. BARNETT:  May the record reflect I'm  
3 tendering to opposing counsel?

4                     THE COURT:  It will.

5                     MR. SECREST:  No objection to the  
6 admissibility of 447 through 458.

7                     THE COURT:  State's Exhibits are admitted,  
8 and you may publish.

9           Q.     (BY MS. BARNETT) What are -- what is this group  
10 of photos going to show us?

11           A.     This group of photos are photographs of the  
12 master bathroom and the sinks and bathtub, showing  
13 chemical processing of the sink and the shower, also.

14           Q.     Now in 447, this is the master bath; is that  
15 right?

16           A.     Yes.

17           Q.     Now, there are two sinks in the master bath.  
18 Which one is this one going to be?

19           A.     That would be the south sink.

20           Q.     So the one on the left side of the tub?

21           A.     Yes.

22           Q.     What does 447 show us?  What are you trying to  
23 show us here?

24           A.     That's showing the sink itself.  When we  
25 processed the sink, set the camera on a tripod and take

1 a picture, stationary picture, and then applied chemical  
2 processing with the lights turned down to show any  
3 luminescence or glowing. Turn the lights down, apply  
4 the chemicals to show these areas glowing. And this is  
5 showing the area we're about to process.

6 Q. When you say you're showing the area that's  
7 glowing, what does that mean?

8 A. We treated the sink -- excuse me -- reagent  
9 called Bluestar. And Bluestar reacts to blood and  
10 diluted blood by fluorescent items that typically are  
11 used for reagenting for blood. And when it comes into  
12 contact with blood, it will fluoresce, and you can see  
13 that in the lightening of the photograph of those areas.

14 Q. Does it react to blood from two months ago?

15 A. Yes, it can.

16 Q. So any time that blood is there and is still  
17 present, it will react?

18 A. Yes.

19 Q. Now, I see it's shining on the right side.  
20 What does that mean? Does that mean it's processing?

21 A. Yes, that's part of the reagent.

22 Q. On 448, what does this say, what is this  
23 showing? Do you want me to bring it up to you?

24 A. Yes, it's a little out of focus.

25 Yes, this shows a very light reaction on

1 the left-hand side of the sink, little bluish reaction.

2 MS. BARNETT: May I walk this in front of  
3 the jury?

4 THE COURT: You may.

5 For the record, you're showing what  
6 exhibit?

7 MS. BARNETT: 448.

8 Q. (BY MS. BARNETT) Let me show you State's 449.

9 A. That's another photograph of the same sink  
10 showing a bluish reaction on the left side of the sink.

11 Q. Okay.

12 A. And this is north sink. The previous 448 and  
13 449 are the north sink.

14 Q. What does 450 show?

15 A. 450 is the south sink, and it's showing some  
16 reactions on the edge of the sink to the right, and in  
17 the bowl of the sink, also to the right.

18 MS. BARNETT: May I walk these in front of  
19 the jury?

20 THE COURT: You may.

21 MS. BARNETT: 450, 451.

22 A. 451 is also the south sink, and showing another  
23 view of the glowing luminescence in the sink, also.

24 Q. (BY MS. BARNETT) And how many areas do you see?

25 A. There's about four -- five distinct areas of



1 varying degrees of illumination in the sink.

2 Q. 452?

3 A. This is another view of the sink showing a  
4 brighter reaction of the reagent in the bowl of the  
5 sink.

6 Q. By the way, on State's Exhibit No. 3, on the  
7 diagram that you created, do you notate these on your  
8 diagram?

9 A. Yes.

10 Q. And how so?

11 A. There's a legend on the left side of the  
12 diagram that says "Reactions To The Dye Stain," I wrote  
13 with little indicator. And there's the same indicator  
14 on the diagram itself on the sinks and on the bathtub.

15 Q. So the blue thing --

16 A. Yes, the blue kind of little star, kind of  
17 little pattern on the legend corresponds to the blue  
18 pattern on both sinks and on the rim of the bathtub.

19 Q. North sink, south sink, and tub?

20 A. Yes.

21 Q. 454?

22 A. That's an overhead shot of the bathtub faucet  
23 handles and did not show any reaction right there in  
24 that area.

25 Q. Okay. Look at the next one, please.

1           A.     This is also the rim of the bathtub.  Facing  
2 the tub to the left of the handles, and there was a  
3 small amount of reaction on the rim to the left.

4           Q.     Did you enlarge that?

5           A.     Yes.  And that was 455.

6                     And 406, closeup of the reaction on the  
7 rim -- of the reaction to the rim of the bathtub?

8                     MS. BARNETT:  May I walk this in front of  
9 the jury?

10                    THE COURT:  You may.

11           Q.     (BY MS. BARNETT) So you're using Bluestar, is  
12 that the only type of testing that you used?

13           A.     No.  I also used a reagent called LCD, a  
14 crystal violet.

15           Q.     What is the difference between the two?

16           A.     They're both reagents.  Bluestar is  
17 non-destructive to DNA, and you can use that in -- you  
18 don't have to use that in very low light.  You use that  
19 initially first.  They both do about the same thing.  We  
20 had both available to us.  So after I treat it with  
21 Bluestar, just to make sure we did a thorough job, I had  
22 also had LCD also available, so I went back over the  
23 same areas.  LCD can be destructive to DNA.  So that's  
24 why after I took swabs of the areas that were  
25 illuminated with Bluestar, I went back over and treated

1 with the LCD just to be sure we didn't miss any areas  
2 that might have illuminated.

3 Q. Let's say I've got some bloody hands, and I  
4 want to wash my bloody hands with Clorox in the sink.  
5 Is Clorox going to affect whether or not you come back  
6 with Bluestar and LCD, and show what you've got?

7 A. Both Bluestar and LCD will react to chlorine.  
8 And it will show up in different types of luminescence.

9 Typically, if you have a lot of chlorine  
10 on a surface, it will show luminescence for that surface  
11 where the chlorine was at. Typically, you can tell if  
12 there was blood on the surface, in certain areas you  
13 could see that. If there was chlorine across this whole  
14 surface, you can see luminescence for that whole  
15 surface. So it will react to both blood and chlorine,  
16 but I will illuminate in a different manner.

17 Q. So does the chlorine eliminate the blood?

18 A. It will destroy DNA in blood.

19 Q. Okay. So what is your -- so after doing  
20 Bluestar and LCD on these parts of the south and north  
21 sinks and of the tub, what is your opinion about what  
22 you found?

23 A. The reactions I saw on the sinks and bathtub  
24 wasn't -- wasn't clear whether it was a definite  
25 reaction to blood. In my experience, it did react to

1 something, so it gave me a location of where to take a  
2 swab. So it's just a presumptive test for blood. So as  
3 in applying this reagent, and instead of just swabbing  
4 any area, the area that glowed, I know where to take the  
5 swab from. So although it doesn't definitively tell me  
6 that that's the blood in the area, it gives me an  
7 indication as to where to take a swab. So take a swab  
8 and send it to the lab, and they can give me a result of  
9 what was in that area.

10 Q. And did you swab from that area?

11 A. Yes.

12 Q. And while we're on the subject of swabs, how  
13 many swabs did you take total; do you know?

14 A. Can I refer to my report?

15 Q. Please.

16 A. From the entire house?

17 Q. Yes.

18 A. From the house, including items of evidence,  
19 was 37 swabs.

20 Q. Okay.

21 MS. BARNETT: May I approach?

22 THE COURT: You may.

23 Q. (BY MS. BARNETT) Let me show you what has been  
24 marked for identification purposes as State's Exhibit  
25 No. 459 through 514. Do you recognize those photos?

1 A. Yes.

2 Q. Do they fairly and accurately represent the  
3 scene as you saw it on December 23, 2012?

4 A. Yes, they do.

5 MS. BARNETT: We would offer into evidence  
6 State's Exhibits 459 through 514. May the record  
7 reflect I'm tendering to opposing counsel 459 through  
8 514.

9 THE COURT: It will.

10 MR. SECREST: No objections to State's  
11 Exhibit 459 through 514.

12 THE COURT: State's Exhibit 459 through  
13 514 are admitted, and you may publish.

14 Q. (BY MS. BARNETT) And basically what do these  
15 pictures show us?

16 A. Those are photographs of all the windows of the  
17 house showing they were all closed and locked.

18 Q. All right. So in 460, a picture of an intact  
19 lock?

20 A. Yes.

21 Q. And basically, all of these pictures, 451, are  
22 pictures of intact locks?

23 A. Yes.

24 Q. Or just every window?

25 A. Yes.

1 Q. Or showing that there's not been any forced  
2 entry?

3 A. Correct.

4 Q. Essentially, that's what this pack is?

5 A. Yes.

6 Q. Did you take a picture of every single window?

7 A. Yes.

8 Q. And every single lock?

9 A. Yes.

10 Q. And those are all on here?

11 A. Yes.

12 MS. BARNETT: May I approach the witness.

13 THE COURT: You may.

14 Q. (BY MS. BARNETT) I'm going to show you what has  
15 been marked for identification purposes is State's  
16 Exhibit 515 through 538. Just take a look at these. Do  
17 you recall those photographs?

18 A. Yes.

19 Q. Did you take those photographs?

20 A. Yes.

21 Q. Do they fairly and accurately represent  
22 Ms. Melgar as you found her on December 23, 2012?

23 A. Yes, they do.

24 MS. BARNETT: May the record reflect I'm  
25 offering and tendering to opposing counsel and ask that

1 they be admitted into evidence.

2 THE COURT: It will.

3 MR. SECREST: No objection, Your Honor, to  
4 515 to 538.

5 THE COURT: 515 through 538 are admitted,  
6 and you may publish.

7 Q. (BY MS. BARNETT) What does 515 show us?

8 A. That's a photograph of Sandra Melgar presented  
9 to me that night.

10 Q. What does she have on her hands?

11 A. Paper bag for trace evidence.

12 Q. And you took a picture of her on 516 on each  
13 side?

14 A. Yes.

15 Q. 517, her back?

16 A. Yes.

17 Q. What does 519 show us?

18 A. That's a photograph of the back of her; there's  
19 a small scratch on her back.

20 Q. State's Exhibit No. 522?

21 A. Her left hand.

22 Q. And what are you showing there? Do I need to  
23 bring you the photo?

24 A. That's a very washed-out photo there on the  
25 screen. So --

1 Q. Let's take a look at 523. What does it show  
2 us?

3 A. Discoloration. There appears to be some  
4 bruising.

5 Q. 525?

6 A. It's her left arm. See some bruising on her  
7 arm, discoloration.

8 Q. 526?

9 A. Upper left arm, some bruising on her arm.

10 Q. 528?

11 A. That's some more bruising on her.

12 Q. Is this what you're talking about right here?

13 A. Yes, discoloration.

14 Q. 531?

15 A. That's the right arm, forearm, discoloration,  
16 reddish bruising.

17 Q. 533?

18 A. Showing her left hand.

19 Q. 535?

20 A. And her right hand.

21 Q. 537?

22 A. There's a small scratch on her thumb.

23 Q. Did you also take pictures of the family  
24 members that were there?

25 A. Yes.



1 MS. BARNETT: May I approach?

2 THE COURT: You may.

3 Q. (BY MS. BARNETT) Showing you what's been marked  
4 as 539 to 568. Would you take a look, please. Do those  
5 fairly and accurately represent the witnesses as you saw  
6 them on December 23, 2012?

7 A. Yes, they do.

8 MS. BARNETT: We would offer these into  
9 evidence. And may the record reflect I'm tendering to  
10 opposing counsel?

11 THE COURT: It will.

12 MR. SECREST: No objection, Your Honor, to  
13 539 to 568.

14 THE COURT: State's 539 through 568 are  
15 admitted, and you may publish.

16 Q. (BY MS. BARNETT) Why did you take pictures of  
17 family members that were there at the scene?

18 A. They were present at the scene -- actually in  
19 the residence during -- well, during the event, before  
20 patrol got there, to show whether they had any blood on  
21 them, any cuts or bruises on them, on family members.

22 Q. Did you take pictures of them the same as you  
23 took from the defendant: front, side, back, hands?

24 A. Yes.

25 Q. So 539 was one of the witnesses?

1 A. Yes.

2 Q. So 540, you took same type pictures of these  
3 witnesses?

4 A. Yes.

5 Q. 545, a different witness?

6 A. Yes.

7 Q. Same?

8 A. Yes.

9 Q. Was there anything suspicious to you about any  
10 of these witnesses?

11 A. No.

12 Q. 551, another person?

13 A. Yes.

14 Q. All of the them are the same: front, back,  
15 side, hands?

16 A. Correct.

17 Q. 557: front, back, side, hands?

18 A. Yes.

19 Q. 563?

20 A. Yes.

21 Q. Front, back, side, hands?

22 A. Yes.

23 THE COURT: Ms. Barnett, just for the  
24 record, you showed all of 539 through 568?

25 MS. BARNETT: Yes, ma'am, I did.

1 Q. (BY MS. BARNETT) Did you also take computers  
2 from the house?

3 A. Yes.

4 Q. How many computers did you take from the house?

5 A. Four.

6 Q. And where were they found?

7 A. Three were from the study, and one was in the  
8 garage.

9 Q. Did you collect evidence, as well?

10 A. Yes.

11 Q. What types of evidence did you collect?

12 A. Well, there's the knife; there was, as we  
13 discussed, pillow shams, cords -- read my list?

14 Q. No, the highlights?

15 A. Cords in the bathroom, the scarf, the shredded  
16 paper.

17 Q. Swabs?

18 A. Swabs.

19 Q. A lot of stuff?

20 A. Yes.

21 MS. BARNETT: May I approach?

22 THE COURT: You may.

23 Q. (BY MS. BARNETT) Do you recognize this package?

24 A. Yes, I do.

25 Q. Does your name appear on it?

1 A. Yes.

2 Q. What is it?

3 A. This is Item Number 11, my item number on it.  
4 This is the kitchen knife that was in the master  
5 bathtub.

6 MS. BARNETT: Your Honor, do you prefer  
7 that I mark the bag and contents or the items itself?

8 THE COURT: It depends on how you want to  
9 offer it. Preferably the items.

10 Q. (BY MS. BARNETT) All right. Go ahead and open  
11 that, please. I'll mark this as State's Exhibit 539 and  
12 ask if you recognize that?

13 A. Yes, I do.

14 Q. How do you recognize it?

15 A. Same appearance, same brand name as the knife  
16 on that event that night.

17 MS. BARNETT: Your Honor, we would offer  
18 into evidence State's Exhibit 539. And may the record  
19 reflect I'm tendering to opposing counsel.

20 THE COURT: Any objections? I believe  
21 it's 569.

22 MR. SECREST: I have no objection to  
23 admissibility of the knife, but I don't know about the  
24 numbering.

25 MS. BARNETT: 569?

1 THE COURT: Yes.

2 MS. BARNETT: I've now marked this as 569,  
3 and it's admitted?

4 THE COURT: Yes, it's admitted. 569 is  
5 admitted.

6 MS. BARNETT: May I walk this in front of  
7 the jury?

8 THE COURT: You may.

9 MS. BARNETT: May I approach the witness?

10 THE COURT: You may.

11 Q. (BY MS. BARNETT) I'm going to show you three  
12 bags and ask: Does your name appear on these three  
13 bags?

14 A. Yes, it does.

15 Q. And does this appear to be marked as the scarf?

16 A. Yes, this is Item Number 19. One piece of  
17 multi-colored scarf.

18 Q. And look at the other two, please.

19 A. This package is 21, one piece of multi-colored  
20 scarf; 22, one piece of purple cord; and Item 23, one  
21 piece of purple cord; and 24, one piece of multi-colored  
22 scarf.

23 MS. BARNETT: I'm going to mark the three  
24 pieces of blue and green scarf as 570. I would like to  
25 offer this into evidence.

1                   May the record reflect I'm tendering to  
2 opposing counsel?

3                   MR. SECREST: No objection.

4                   THE COURT: 570 is admitted.

5                   MS. BARNETT: And the pieces of the purple  
6 scarf I'm going to mark as 571. And I don't have a bag  
7 for those, but I'll figure it out.

8                   Let the record reflect I'm showing to  
9 Defense counsel 571.

10                  THE COURT: Are you offering pieces of the  
11 purple cords, 571?

12                  MS. BARNETT: I am, Judge.

13                  THE COURT: Any objections, Mr. Secrest?

14                  MR. SECREST: None, Your Honor.

15                  THE COURT: 571 is admitted.

16                  MS. BARNETT: May I approach the witness?

17                  THE COURT: You may.

18                  Q. (BY MS. BARNETT) Do you recognize these two?

19                  A. Yes, I do.

20                  Q. How do you recognize them?

21                  A. My name is on the package, the case number, and  
22 bar code label.

23                  Q. Go ahead, the other one?

24                  A. My name, case number, and bar code label.

25                  Q. And what are those items?

1           A.     This package Item No. 20, two pieces of purple  
2 cord.  Other package is No. 34.

3           Q.     Open this one first.

4                     MS. BARNETT:  The two pieces of the purple  
5 cloth, Item 32 and 33, I'm marking as 572.  Let record  
6 reflect I'm tendering to opposing counsel.

7                     THE COURT:  Any objection?

8                     MR. SECREST:  No, Your Honor.

9                     THE COURT:  572 is admitted.

10                    MS. BARNETT:  And the two items of cord, I  
11 marked as 573.  May the record reflect I'm tendering to  
12 opposing counsel?

13                    MR. SECREST:  Again, what is the item  
14 number of 573?

15                    THE WITNESS:  Thirty-four, two cords.

16                    THE COURT:  If you want, for the purposes  
17 of the record, you can put them back in the original  
18 sack.

19                    MR. SECREST:  I have no objection, Your  
20 Honor.

21                    THE COURT:  573 is admitted.

22                    MS. BARNETT:  May I approach witness?

23                    THE COURT:  You may.

24            Q.     (BY MS. BARNETT) Take a look at these, and see  
25 if you recognize them.  Do you recognize them?

1 A. Yes.

2 Q. What is that?

3 A. This is Item 25, a plastic glove from the trash  
4 can of the master bathroom.

5 Q. Can you open it, please.

6 Is this what you recovered yourself?

7 A. Yes.

8 MS. BARNETT: I'm going to mark this as  
9 574.

10 Q. (BY MS. BARNETT) Can you take a look, please.

11 THE COURT: Can I see the attorneys at the  
12 bench, please.

13 Put some gloves on, if you would like to  
14 use them.

15 MS. BARNETT: You think I should?

16 THE COURT: They're up there.

17 MS. BARNETT: Thank you. I see.

18 Q. (BY MS. BARNETT) Have you take a look at this  
19 exhibit.

20 A. That's a package that's labeled "telephone cord  
21 and red rope." It was collected by the Medical  
22 Examiner's Office at the scene.

23 Q. So that's not anything you can identify?

24 A. Correct.

25 MS. BARNETT: I'm marking the plastic



1 glove as 574. May the record reflect I'm tendering to  
2 opposing counsel.

3 MR. SECREST: No objection.

4 THE COURT: 574 is admitted.

5 MS. BARNETT: May I approach the witness?

6 THE COURT: You may.

7 Q. (BY MS. BARNETT) Would you please take a look  
8 at this bag. Do you recognize that?

9 A. Yes.

10 Q. How do you recognize it?

11 A. Case number with my name on it, and my initial  
12 and seal.

13 Q. Did you collect that?

14 A. Yes.

15 Q. Could you please open it up.

16 A. (Witness opening bag.)

17 Q. What is this?

18 A. These -- Number 14, the white towel.

19 Q. Okay. Marked 575, what is this?

20 A. Item Number 13, green towel.

21 Q. And where were 575, the white towel, and the  
22 green towel, 576, where were these recovered from?

23 A. These were from the bathtub in the master  
24 bathroom.

25 MS. BARNETT: We would offer into evidence

1 State's Exhibits 575 and 576, and may the record reflect  
2 I'm tendering to opposing counsel?

3 MR. SECREST: No objections, Your Honor.

4 THE COURT: All right. 575 and 576 are  
5 admitted.

6 Q. (BY MS. BARNETT) Take a look at that package,  
7 please, sir. Do you recognize it?

8 A. Yes.

9 Q. Can you please open it. What is this, sir?

10 A. Item Number 12, white blouse.

11 Q. The marked Item Number 12 as State's Exhibit  
12 577. And where did you recover State's Exhibit 577  
13 from?

14 A. The master bathroom bathtub.

15 MS. BARNETT: May the record reflect I'm  
16 offerind 577 into evidence and tendering to opposing  
17 counsel.

18 THE COURT: Any objection?

19 MR. SECREST: No objection.

20 THE COURT: 577 is admitted.

21 Q. (BY MS. BARNETT) So when we talked about the  
22 white blouse that was in the bathtub -- the Jacuzzi  
23 tub -- with the murder weapon, and the washcloth, this  
24 is that blouse?

25 A. Yes.

1 MS. BARNETT: May I walk it in front of  
2 the jury?

3 THE COURT: You may.

4 Q. (BY MS. BARNETT) Who put the orange circles on  
5 the blouse?

6 A. I did.

7 Q. What do the orange circles mean?

8 A. May I refer to my report?

9 Q. Please.

10 A. The blouse was treated with a chemical agent,  
11 Chlorarsine -- excuse me -- and I marked the areas of  
12 fluorescents with an orange highlighted marker.

13 Q. And the fluorescents mean what?

14 A. Those areas that reacted with the  
15 fluorescein -- areas of interest that are possible areas  
16 of blood.

17 Q. All right.

18 MS. BARNETT: May I approach the witness?

19 THE COURT: You may.

20 Q. (BY MS. BARNETT) Take a look at this, please.  
21 Do you recognize it?

22 A. Yes, I do.

23 Q. And can you open it, please?

24 MS. BARNETT: I'm going to mark this as  
25 State's Exhibit 578.

1 Q. (BY MS. BARNETT) Do you recognize State's  
2 Exhibit 578?

3 A. Yes.

4 Q. How do you recognize it?

5 A. That's the pillow sham in the floor of the  
6 master bathroom. I recognize that one because it has a  
7 torn part of it.

8 MS. BARNETT: We would offer State's  
9 Exhibit 578, and may the record reflect I'm tendering to  
10 opposing counsel?

11 MR. SECREST: Deputy Carpenter, what item  
12 number is the sham?

13 THE WITNESS: Item Number 18.

14 THE COURT: Any objections?

15 MR. SECREST: No objections.

16 THE COURT: State's Exhibit 578 is  
17 admitted.

18 MS. BARNETT: May I walk this in front of  
19 the jury?

20 THE COURT: You may.

21 Q. (BY MS. BARNETT) Was this the sham that was  
22 closest to the defendant's closet where she was  
23 apparently boarded in the closet -- was this the sham  
24 that was in front of her closet?

25 A. Yes.

1 Q. Can you tell us how many items that you  
2 actually collected from the scene? Are you able to tell  
3 us that?

4 A. Appears to be 77, including the swabs.

5 Q. And did you collect things like that CVS bag?

6 A. CVS bag --

7 Q. Is that Number 16?

8 A. Yes, I did.

9 Q. Did you collect the white tissue with blood on  
10 it?

11 A. Yes.

12 Q. Did you collect the chair?

13 A. Yes.

14 Q. The chair cover?

15 A. Yes.

16 Q. Did you collect jewelry boxes?

17 A. Yes.

18 Q. And the gun?

19 A. Yes.

20 Q. And the 9 caliber cartridges?

21 A. Yes.

22 Q. Did you collect tape?

23 A. Yes, that was on the towel in the closet.

24 Q. The towel?

25 A. Yes.

1 Q. The blue jacket?

2 A. Yes.

3 Q. The brown jacket?

4 A. Yes.

5 Q. Did you collect the vacuum cleaner canister?

6 A. Yes.

7 Q. Why?

8 A. It had the shredded paper in it.

9 Q. Did you collect the shredded paper?

10 A. Yes.

11 Q. That's in the evidence room?

12 A. Yes.

13 Q. You collected the computers?

14 A. Yes.

15 Q. Did you collect the things that the defendant  
16 was wearing when you took the picture?

17 A. Yes.

18 Q. On her, the black robe?

19 A. Yes.

20 Q. Did you collect the things that were in her  
21 pockets?

22 A. Yes, I did.

23 Q. And what was in her pocket?

24 A. Tissue, artificial tears container, eye cream,  
25 lens drops.

1 Q. Artificial tears are some --

2 A. Eye drops.

3 Q. And in her pockets.

4 Swabs, of course, and fingernail  
5 scrapings?

6 A. Yes.

7 Q. How long did it take you to write your report?

8 A. Oh, I don't recall. It took quite a while.

9 Q. Did you ever go back to that house and take any  
10 other evidence?

11 A. No, I didn't.

12 Q. Was there a time that the Sheriff's Department  
13 did in fact go back to that house?

14 A. Yes.

15 Q. Was the CSU Unit sent over to that house on  
16 that second day?

17 A. Yes.

18 Q. Were you a part of that?

19 A. No.

20 Q. Was there other investigations into other  
21 houses?

22 A. Yes.

23 Q. Were you a part of that?

24 A. No.

25 Q. Did you have any more investigative parts in

1 this case?

2 A. As far as the house?

3 Q. Yes.

4 A. No.

5 Q. But there was -- you did some things on  
6 fingerprints?

7 A. Yes.

8 Q. What did you do on fingerprints?

9 A. Examined the fingerprints that was turned  
10 over -- the items with possible fingerprints, turned  
11 over to me. Compared those, and verified fingerprint  
12 comparisons that were done.

13 Q. Okay. Are you speaking of -- what are you  
14 speaking of?

15 A. There were some fingerprints that were  
16 recovered the following day, and there were some  
17 comparisons that were made by another crime scene  
18 investigator. And when the fingerprint comparisons were  
19 done, we had to have another crime scene investigator  
20 verify those results and comparison.

21 Q. Okay. And what were those?

22 A. The results of it?

23 Q. Yes.

24 A. They were negative results.

25 Q. Okay. Were you a part of any fingerprinting



1 identification that came about with any positive results  
2 or results that identified anybody?

3 A. No.

4 MS. BARNETT: Pass the witness.

5 THE COURT: All right. Defense, you may  
6 proceed.

7 MR. SECREST: Thank you, Your Honor.

8 **CROSS-EXAMINATION**

9 **BY MR. SECREST:**

10 Q. Deputy Carpenter, you and I have not had the  
11 pleasure of meeting before now, have we?

12 A. No, sir.

13 Q. Have you conducted any analysis or performed  
14 any kind of experiments or test on any evidence that's  
15 not reflected in your offense reports?

16 A. No, sir.

17 Q. Let's talk about your offense report. Tell the  
18 jury why it's so important to be accurate and thorough  
19 in documenting information that you learned during the  
20 course of the investigation?

21 A. It's important to document the actions that you  
22 take and your observation in a report so that you can --  
23 when the time comes to go to court, sometimes it's  
24 difficult to remember what you've done. So you document  
25 these things in a report form so others can read your

1 report and know what you've done and also to refresh  
2 your memory to what types of steps you've taken.

3 Q. Are there established protocols in place with  
4 respect to how you prepared an offense report?

5 A. There's procedures in how it's done, even  
6 writing reports in different ways.

7 Q. Sure.

8 Is it necessary that a report be prepared  
9 timely?

10 A. Yes.

11 Q. And in this case, I'm not going to ask you how  
12 long it took you to prepare your reports, but let me ask  
13 you this first: How many different reports have you  
14 prepared -- or in your vernacular, how many supplements  
15 have you prepared during the investigation of this  
16 allegation?

17 A. I don't know the exact numbers.

18 Q. Would you have them in front of you?

19 A. I've got some of the reports in front of me,  
20 but some of the reports I have written were just short  
21 reports, lab results back, and they were simply short  
22 reports, and that was all. So it could be a dozen  
23 reports, several of which could be knocked out.

24 Q. Would you agree with me being that your primary  
25 report is going to be your Supplement Number 9? Does

1 that kind of ring a bell?

2 A. Yes.

3 Q. And again, so we're clear, on December 23rd,  
4 you came out to the Melgars' residence give or take  
5 around 5:30 or 6:00? What does your report reflect?

6 A. I arrived approximately 6:30 p.m.

7 Q. And when you arrived, were you the principal  
8 CSU, or crime scene investigator, assigned to that  
9 investigation?

10 A. Yes, sir.

11 Q. Was there any other crime scene investigator  
12 associated with the Harris County Sheriff's Department  
13 that was there on the evening of December 23rd and into  
14 the morning hours of December 24th?

15 A. Yes.

16 Q. Who was that, sir?

17 A. Elias Rivera {phonetic}.

18 Q. And what task did he do that was different from  
19 what you were doing?

20 A. Initially, he was tasked with scene video, and  
21 he assisted me in doing other tasks within the crime  
22 scene.

23 Q. When we're talking about the scene video, I  
24 want to make sure I'm on the right page. Are we talking  
25 about one video of the outside that continued inside, or

1 are we talking about two separate videos?

2 A. As far as continuous video?

3 Q. Yes, sir.

4 A. It's not talking continuously; it's just a  
5 scene video, which is exterior and interior of the  
6 residence.

7 Q. Okay. Because my understanding is once you  
8 arrived at 6:30, was it dark?

9 A. Yes.

10 Q. And in fact in looking at the video, it appears  
11 that it's very dark outside. Does that comport with  
12 your recollection?

13 A. Yes, the scene video, it was dark, yes.

14 Q. Did you note, however, that the Melgar  
15 residence was even less well lit than other residences,  
16 like for instance, next door?

17 A. I don't recall the lighting in other  
18 residences.

19 Q. Do you recall this: Do you recall that there  
20 were Christmas lights on various homes, but no Christmas  
21 lights on their home?

22 A. I recall there was no Christmas lights on their  
23 home, but I don't recall the other homes.

24 Q. That's fair enough.

25 Now, when you arrived -- and I've got to

1 ask a few specific questions: What's the specific  
2 physical address of the Melgar residence?

3 A. 9538 Kelsey Meadows Ct.

4 Q. And you testified on direct examination that  
5 that was on a cul-de-sac?

6 A. Not specifically a cul-de-sac, but on a street  
7 that doesn't have an outlet.

8 Q. What's the difference?

9 A. That if you enter that street, you have to come  
10 back out that same direction to exit that part of the  
11 neighborhood.

12 Q. Okay. But you can't drive through it?

13 A. Correct.

14 Q. Did you notice though at the end of the street,  
15 at the far end of the street, that there was a walkway  
16 that went from the end of the street over to the next  
17 street?

18 A. No, I didn't notice that, no.

19 MR. SECREST: May I approach the witness,  
20 Your Honor?

21 THE COURT: You may.

22 Q. (BY MR. SECREST) Showing you what I'm going to  
23 mark as Defense No. 1, can you take a look at that? Can  
24 you kind of tell what that is? I know it's not anything  
25 you personally prepared, but can you kind of tell what

1 that is?

2 A. It's a Google street view. It appears to be  
3 like a cul-de-sac.

4 Q. Of what location?

5 A. It shows 9500 Kelsey Meadows Ct.

6 Q. So that would be the block that we're talking  
7 about with respect to this investigation?

8 A. 9500 block, yes.

9 Q. But to be fair to you, you can't represent to  
10 the jury that this is an accurate representation of how  
11 the end of the street looks?

12 A. No.

13 Q. If I told you that in fact you could walk from  
14 the end of street over to the next street via a  
15 sidewalk, would you fight me over that?

16 A. I couldn't agree or disagree because I don't  
17 have firsthand knowledge of it.

18 Q. That's fair. And that's an important part,  
19 isn't it? You want to make sure you have personal  
20 knowledge about facts and not offer supposition or  
21 hypothesis, fair statement?

22 A. Fair.

23 Q. So when you entered -- or you get to the  
24 residence, I want to ask you -- let me get on the right  
25 page.

1                   Well, first of all, who was the lead  
2 investigator in charge of this investigation?

3           A.     That would be Sergeant Dousay.

4           Q.     Are you sure about that?

5           A.     At this time?

6           Q.     No, I'm talking about when you investigated  
7 this case back on December 23rd and 24th.  Because I  
8 understood your testimony on direct examination that  
9 you've never been back to this house.  I don't care what  
10 it looks like now.  I'm asking back on December 23rd and  
11 24th -- on the 23rd at 6:30 p.m. when you arrived at  
12 that location, who was the lead investigator?

13          A.     Shawn Carrizal.

14          Q.     And what kind of interaction did you have with  
15 him at the scene?

16          A.     I didn't speak with Shawn Carrizal too much.  I  
17 spoke with Sergeant Dousay mostly because he was in  
18 charge of the scene.  Homicide unit breaks up their  
19 duties, and one of them is in charge of the scene  
20 investigation, and the lead kind of oversees the  
21 different investigators through these -- kind of like we  
22 do with a crime scene unit.  I'm the lead crime scene  
23 investigator, and I assign tasks to other investigators.  
24 Homicide does the same thing.  They'll lead the homicide  
25 investigator and assign tasks to other homicide

1 investigators. Sergeant Dousay had the task of the  
2 scene investigation.

3 Q. But specifically, if I were a homicide  
4 detective or investigator, and I was designated lead  
5 investigator, what does that mean?

6 A. He oversees the investigation.

7 Q. So he's number the number one enchilada, he's  
8 the one that's in charge?

9 A. I don't work for the Homicide Unit, so that  
10 would be my understanding.

11 Q. Okay. When you arrived at the scene, and you  
12 said that the outside visibility was poor due to  
13 nighttime hours and minimal artificial lighting; is that  
14 a fair representation? Page 11 of your report.

15 A. Yes, that's what I stated.

16 Q. Is -- does that kind of refresh your  
17 recollection?

18 A. Yes.

19 Q. And when you arrived, were there other units  
20 already on the scene?

21 A. Yes.

22 Q. In fact, can you tell the members of the jury  
23 approximately how many law enforcement officers  
24 literally went into that scene that night?

25 A. No, sir.



1 Q. Can you give us a guess?

2 A. I couldn't say.

3 Q. If I told you maybe, like, two dozen, would  
4 that be -- sound about right?

5 MS. BARNETT: Objection. Asked and  
6 answered.

7 THE COURT: He can answer, if he knows.

8 A. I don't know.

9 Q. (BY MR. SECREST) So you arrived -- and what's  
10 the first thing you started to do?

11 A. I spoke to the reporting Deputy.

12 Q. Okay. And who was the reporting Deputy?

13 A. Deputy McCance, the Precinct 4 Constable's  
14 Office.

15 Q. That answered my next witness question. So  
16 she's basically employed by the Constable's Office in  
17 that precinct. And your understanding was that on the  
18 911 call that was placed, she was the first law  
19 enforcement officer on the scene?

20 A. I don't recall if she was the first one on the  
21 scene, but she was the reporting deputy.

22 Q. And tell us again so we all understand the  
23 concept; what is a reporting deputy?

24 A. She's the one that takes all the information  
25 and writes the main, original report describing

1 everything on the scene. She may not be the actual  
2 first responding deputy, but she's tasked with  
3 documenting everything.

4 Q. So when you say she's tasked with documenting  
5 everything, what does that mean?

6 A. Actions of the responding patrol deputies.

7 Q. And then does she prepare a report based upon  
8 what it is that she observed and learned during the  
9 course of her investigation?

10 A. Yes.

11 Q. Who's in charge of you?

12 A. Well, my sergeant.

13 Q. Well, sure. But on the scene, was your  
14 sergeant there with you?

15 A. Yes.

16 Q. And who is that gentleman?

17 A. Sergeant McConnell.

18 Q. So did he arrive before you or after you?

19 A. I believe he arrived after I did.

20 Q. What is an evidence log?

21 A. That's -- evidence log is something I create to  
22 list items of evidence that I collected.

23 Q. Let me make sure we understand this: Can any  
24 officer at the scene just grab a piece of evidence, put  
25 it in his pocket, go back to the office, and throw it in

1 a pile or something; and later on, it's all put together  
2 on an inventory chart? Does it work that way?

3 A. No.

4 Q. In fact because you're the CSU person in  
5 charge, except for your sergeant, is it your job  
6 function to accurately record and document every single  
7 piece of evidence that's gathered at the scene, at least  
8 part of your responsibility?

9 A. Yes.

10 Q. Let me be clear here because at the scene, we  
11 also have other folks show up. The Harris County  
12 Institute of Forensic Science, Medical Examiner's  
13 Office, they made an appearance, did they not?

14 A. Yes.

15 Q. Did they gather evidence?

16 A. Yes.

17 Q. Did they take it with them or give it to you?

18 A. They turn over evidence to me.

19 Q. But did they also take some of their own  
20 evidence with them?

21 A. Yes, they did.

22 Q. If I'm at the scene and I'm a deputy, or I'm a  
23 detective and I come across evidence, do I give it to  
24 you?

25 A. Depends on the evidence and what the

1 detectives -- homicide detectives are ultimately in  
2 charge of the scene. And depending on the type of  
3 evidence and what they want done with it, there are  
4 times when the homicide detectives will take custody of  
5 the evidence, and there's other times they will want me  
6 to take custody of it.

7 Q. Okay. Well, let me ask you about this: When  
8 in the process do you prepare an evidence log?

9 A. Evidence logs that I have with my report is  
10 created at the time I make a report.

11 Q. Okay. But you don't make your report at the  
12 scene, correct?

13 A. Correct.

14 Q. So how is it that you gather information like  
15 the jury is taking notes, how is it -- do you take notes  
16 at the scene later so later on somewhere else down the  
17 line you can prepare a formal report?

18 A. Yes.

19 Q. How do you take notes?

20 A. I just take notes. I take written notes on a  
21 notepad.

22 Q. And then you keep that notepad, and you have a  
23 laptop with you at the scene?

24 A. I have a laptop in my vehicle, but not with me  
25 during the scene, not on me.

1 Q. What I'm trying to do -- I'm not trying to  
2 waste your time -- I'm just trying to figure out the  
3 methodology, how this works, especially investigations  
4 as serious as a murder case.

5 When is it that you then go through your  
6 notes and prepare your official offense report?

7 A. Later at the Crime Scene Unit office, at the  
8 office I'll have to process the evidence, package the  
9 evidence, fill out submission forms. Usually all that's  
10 done before I can actually get started on the report.

11 Q. Okay. So you get started on the report like  
12 that that very night or the next day, or how soon  
13 thereafter do you do it?

14 A. All depends on what else is going on.  
15 Sometimes we're having other crime scenes that occur.

16 Q. Sure.

17 A. We may have a week where we have to go out on  
18 crime scenes every night that week.

19 Q. Right. So you get behind in your report  
20 writing, I guess?

21 A. If it's a busy week, then we may have to  
22 respond to crime scenes every night that week.

23 Q. Okay.

24 A. We do have weeks like that.

25 Q. And so then when you have a week like that,

1 then you're going to have to play catch-up ball and do  
2 your reports a little later than you would rather do  
3 them?

4 A. Well, we do them as quickly as possible.

5 Q. Why is it important to do your report as  
6 quickly as possible?

7 A. Well, we do all our work as quickly as  
8 possible.

9 Q. And I don't doubt that you do, but the question  
10 is: Why is it important, especially with offense  
11 reports, that you do it as quickly as possible?

12 A. So the investigators can refer to our report  
13 for their investigation, also. I mean, so they can  
14 refer to it, and see what actions need to be done, if  
15 they need to, and see what type of evidence we collect,  
16 and what we did at the scene.

17 Q. Is it fair to say, again, so we all have this  
18 general understanding that if I'm on part of the team,  
19 I'm one of the officers, then I can log on, and I can  
20 see what my team members have been doing. And I can  
21 gather -- I can learn maybe what you have done the last  
22 day or two, and what Officer Swartz has done. Because I  
23 may need that information as I go forward to assist in  
24 the investigation. Is that the way it works?

25 A. I'm not sure if I understand the question.

1 Q. Maybe I didn't make it clear.

2 My point is I thought I understood you to  
3 say that it's essential to do your reports as timely as  
4 you can. I understand you have had a horrendous week,  
5 and you just can't get it done. But you need to get  
6 them in line because not only is that what you're  
7 supposed to do, but other officers are going to be  
8 relying on your work product, and they need to get that  
9 into the system, right?

10 A. Yes, depending on what type of report and what  
11 type of scene it is.

12 Q. Okay. So basically you-all do have a network,  
13 if I can put it that way, where you're able to get into  
14 the system. And if Allison is an investigator, you're  
15 able to find out what it is that she may have done that  
16 is of interest to you in this investigation because you  
17 need that information yourself, perhaps?

18 A. Yes.

19 Q. Is that fair?

20 A. That's a plausible statement. Yes, you can see  
21 what other investigators have done if -- what would aid  
22 you in your investigation.

23 Q. Okay. I mean, because you're working as a  
24 team, right?

25 A. Well, with the homicide investigators?

1 Q. Well, I'm just saying, for instance, you have  
2 crime scene investigators, and of course your job is to  
3 do what?

4 A. Respond to crime scenes and collect evidence,  
5 process a crime scene, document the crime scene.

6 Q. And then you have investigators, and their job  
7 may be to interview witnesses, or go look at records, or  
8 go talk to individuals who may have some knowledge about  
9 the case. So everybody is ultimately working together,  
10 but you-all have different jobs, right?

11 A. Yes.

12 Q. But what you're trying to do is achieve  
13 justice, correct?

14 A. Correct.

15 Q. Or make sure you get the bad guy, right?

16 A. Yes.

17 Q. And you want to make sure that you don't end up  
18 inadvertently getting the good guy; fair statement?

19 A. Yes.

20 Q. Have you ever worked on a case and waited,  
21 like, two 2 to 3 months to write an offense report?

22 MS. BARNETT: Objection, relevance.

23 THE COURT: Sustained.

24 MR. SECREST: May I approach?

25 (Bench conference.)



1                   MR. SECREST: With respect to the Court, I  
2 do think it's relevant.

3                   THE COURT: How is it relevant?

4                   MR. SECREST: I'm trying to establish that  
5 in fact, I thought their standard operating procedures,  
6 they're supposed to do things timely. And they're not  
7 supposed to wait an inordinate period of time. And if  
8 they do, that's going to compromise the integrity of  
9 their report. Like everyone else, they're going to have  
10 a faulty memory, they can't read their handwriting.

11                  MS. BARNETT: I believe he already said  
12 that.

13                  THE COURT: Yes, he stated -- are you  
14 relating that to a particular witness, or asking him in  
15 general procedure?

16                  MR. SECREST: It's kind of general  
17 procedure at this point.

18                  THE COURT: You're going to loop that into  
19 some other witness?

20                  MR. SECREST: I promise, I'll loop --

21                  THE COURT: All right. Keep it limited.

22                  MR. SECREST: Okay. I'm not going to beat  
23 it to death.

24                  Q. (BY MR. SECREST) You said that you-all get busy  
25 and not able to prepare a report that week. I'm just

1 trying to get some idea. Do you put it off 2 to 3  
2 months? You talked about putting writing a report off  
3 just a couple of 2 to 3 weeks, and then you've got to  
4 catch up and keep going forward.

5 A. Well, I don't ever intentionally put off  
6 writing a report.

7 Q. Sure.

8 A. I couldn't say how long it's been delayed.  
9 There's priority -- some priority given to reports,  
10 depending on the type of report it is, type of scene it  
11 is. If it's -- if it's a scene, like -- we have  
12 different scenes -- an important scene, like a murder  
13 scene.

14 Q. Yes, sir.

15 A. We make it higher priority than other scenes.

16 If I have to go out on a scene, let's say  
17 it's a serious agg-robbery or something, and I get a  
18 murder scene after that. Well, the agg-robbery scene  
19 may take less priority, even though it happened before  
20 that, than the murder scene.

21 Q. I understand.

22 A. So it might take longer. So I can't say that I  
23 was just putting off reports, or how long a report might  
24 take. If we get busy with that, then, yes, it may take  
25 quite a while to get to the report. Some reports are a

1 lot more detailed than other reports. As in this  
2 report, it's a very detailed scene, and there's a lot of  
3 parts to it, and it takes time to get to that and time  
4 to write a report.

5 Q. I'm not at all suggesting that you put off  
6 writing a report just because you wanted to do that.  
7 I've got the feeling that you take care of business, and  
8 you do it timely.

9 But my point is it is important that you  
10 do it as timely as you possibly can because, one, that  
11 does aid in producing a more accurate report. And also,  
12 as you said a moment ago, other people on the team at  
13 some point may be in fact relying on what you're doing.  
14 So we need to make sure all that information is in the  
15 system. Fair statement?

16 MS. BARNETT: I'm going to object. That's  
17 been asked and answered, and also testifying for the  
18 witness.

19 THE COURT: Sustained as to asked and  
20 answered.

21 Q. (BY MR. SECREST) What do you do after you  
22 prepare a report, what do you do with those rough notes,  
23 handwritten notes.

24 A. They're kept in a file.

25 Q. So in fact in this case, you have handwritten

1 notes that are in your file cabinet somewhere?

2 A. Yes.

3 Q. Would it be appropriate at any time to destroy  
4 those notes?

5 A. No.

6 Q. Why do you say that?

7 A. It's just generally not something we do. We  
8 keep our notes from our scenes.

9 Q. Okay. Is that a quote-unquote office policy  
10 that you keep your original draft of your notes back at  
11 the office?

12 A. I don't know if it's a written policy.  
13 Actually, it's a practice that we do.

14 Q. And when you say "practice that we do," who's  
15 "we do"?

16 A. Well, I can't speak for the whole department --

17 Q. Something you do?

18 A. -- in the crime scene unit, that I know of,  
19 that's the practice that we do is keep our notes.

20 Q. Okay. Are you aware of any evidence that was  
21 acquired in the course of this investigation at the  
22 scene of the murder that didn't go through either you or  
23 through the Harris County Institute of Forensic Science?

24 A. Yes.

25 Q. Explain that, please.

1           A.     The following day, the other crime scene  
2 investigators went to the house and collected items from  
3 that day.

4           Q.     That's fair enough.  But I'm tired -- poorly  
5 asked question.

6                     During the time that you were at that  
7 scene, and I understand that was give or take 6:30 p.m.  
8 on December 23rd, and you left about 4:30 or so in the  
9 morning of December 24th, 4:30 a.m.?

10          A.     About 4:40, yes.

11          Q.     4:40.  I won't cheat you out of 10 minutes.  So  
12 you're there a long time.  Between 6:30 and 4:40 a.m.,  
13 are you aware of any items of physical evidence that  
14 left that scene that didn't go through you or the Harris  
15 County Institute of Forensic Science?

16          A.     Can I refer to my report?

17          Q.     Please, at any time to refresh your  
18 recollection, please do.

19          A.     I don't recall any items.  Homicide detectives  
20 do it on occasion, collect items themselves.

21          Q.     Okay.

22          A.     And I don't have -- recall taking note of an  
23 item they might have collected.

24          Q.     Let me ask you this:  If a homicide detective  
25 takes it upon him or herself to collect items, what do

1 they do with those items after that?

2 A. Well, typical type of item they will normally  
3 collect would be computers or cell phones. Computers  
4 are sent to the lab to be processed and extract anything  
5 off of that. And typically note that in their report.

6 Q. Were you literally the last law enforcement  
7 officer to leave the scene of the murder of Jaime Melgar  
8 at 4:40 a.m. on December 24th?

9 A. If I recall, I believe it was myself -- and I  
10 believe it was myself and Sergeant Dousay and another  
11 crime scene investigator that was there.

12 Q. Did you have any dealings with Detective  
13 Carrizal after Sandra Melgar was interrogated; did he  
14 come back to the scene?

15 A. I don't recall.

16 Q. Maybe he did, maybe he didn't, you just don't  
17 have a recollection?

18 A. I don't remember seeing him that morning; I  
19 don't recall.

20 Q. But you seem to recall seeing Detective Dousay?

21 A. Yes.

22 Q. Do you have a memory of Detective Dousay taking  
23 any physical evidence with him when he left the scene,  
24 give or take about the time you did?

25 A. No.

1 Q. When you were at the scene, do you recall that  
2 Sandra Melgar was brought back to the house?

3 A. She was at the house that morning.

4 Q. Yes?

5 A. Yes.

6 Q. Were you aware that when you arrived at the  
7 scene, was she already sitting in the back of a patrol  
8 car?

9 A. Yes.

10 Q. Okay. You actually saw her, or you're just  
11 relying on your understanding of the reports? What's  
12 your basis of knowledge?

13 A. From what I was told.

14 Q. From what you were told?

15 Okay. To be clear here, at any time have  
16 you had any conversation with Sandra Melgar?

17 A. From before -- excuse me, that night?

18 Q. Yes, sir.

19 A. I spoke with her when I was photographing and  
20 collecting trace evidence.

21 Q. Was she courteous to you?

22 A. She was cooperative.

23 Q. There's no citizen that has to like that, do  
24 they?

25 A. No.

1 Q. But, I mean, was she -- she didn't berate you  
2 or use profanity or try to hurt you in any way, did she?

3 A. No.

4 Q. And in fact, isn't it fair to say that the  
5 reason that any and every piece of evidence that you  
6 obtained from that house and from Ms. Melgar, the reason  
7 you have it is because she consented to letting you have  
8 it; fair statement?

9 A. She did sign a voluntary consent form.

10 Q. Right. And you knew because that's one of the  
11 first things you're going to do; when you arrived at the  
12 scene, you spoke to Deputy McCance. And Deputy McCance  
13 told you that Sandy Melgar had signed consent forms, and  
14 you could take anything you wanted out of her house,  
15 take clothes, take fingernail scrapings, you could swab  
16 her, you could do whatever you wanted to do because she  
17 allowed it to happen; fair statement?

18 A. Well, the swabs were a separate type of consent  
19 for that.

20 Q. Okay.

21 A. But the house was already -- had consent for  
22 the house.

23 Q. So she consented to the search of the house,  
24 and because you wanted to get a swab, she had to give  
25 another consent?



1 A. Yes.

2 Q. Tell our jury, did you get that consent?

3 A. Yes.

4 Q. But for except speaking with her while you were  
5 taking photographs of her or obtaining her clothing, did  
6 you ever speak to her about the facts of the case?

7 A. No.

8 Q. Would that kind of not be your daily work  
9 anyway, you probably wouldn't normally go there?

10 A. Correct.

11 Q. So help me here, you get at the scene at  
12 6:30 p.m. And you're understanding, at the time you  
13 arrive, Sandra Melgar is already in the back of a patrol  
14 car; fair statement?

15 A. Yes.

16 Q. And we earlier saw a photograph that you took,  
17 and Sandy was standing up, and her hands were bagged.  
18 Is it your understanding that she was put in the patrol  
19 car with her hands bagged?

20 A. Yes.

21 Q. And the reason y'all did that was you would  
22 want to preserve any and every piece of evidence that  
23 may be on her hands the best you could, right?

24 A. Yes.

25 Q. Because certainly in the course of a burglary

1 investigation, definitely one involving an allegation of  
2 stabbing, you would want to do everything you can to  
3 accurately preserve whatever evidence there may be or  
4 may not be, relative to a suspect's hands; fair  
5 statement?

6 A. Yes.

7 Q. So if Sandy -- do you know what time Sandy  
8 Melgar was put in the backseat of the patrol car?

9 A. No.

10 Q. Do you know what time it was that Sandra Melgar  
11 was transported from her home to Lockwood?

12 A. No.

13 Q. So if I told you it was about 9:00 o'clock,  
14 that wouldn't refresh your memory at all?

15 A. No.

16 Q. About 9:00 o'clock, what were you doing? You  
17 had your moon suit on, in the house, doing your thing?

18 A. Yeah, I was processing the house.

19 Q. And I'm not deriding that. That's what you  
20 obviously do. But she's outside, you're inside, so  
21 you're not dealing with her at all?

22 A. Right.

23 Q. And then by my understanding, what's the best  
24 estimation of proximate time that the unit brought Sandy  
25 Melgar back from Lockwood to her home, where you saw her

1 at that time?

2 A. I don't know what time she arrived at the  
3 house.

4 Q. Okay. But we could establish that time,  
5 couldn't we?

6 A. I couldn't establish it.

7 Q. Well, maybe the we doesn't necessarily mean me  
8 and you. But you know, being a seasoned police officer,  
9 that we're going to have records that are going to show  
10 when she was transported from her home and when she  
11 arrived at the location and when she left that location  
12 and when she arrived home, right?

13 A. There should be a record, yes.

14 Q. Especially if you're a female?

15 A. Record of anybody being transported, yes.

16 MR. SECREST: Do you want to continue?

17 THE COURT: Yes, a couple more minutes.

18 Q. (BY MR. SECREST) So she's brought back to the  
19 house. And let me ask you -- and tomorrow we'll  
20 continue this, and we'll go back and work through this  
21 step by step. But when you saw her when she was brought  
22 back, can you give us any estimation approximately what  
23 time it would have been?

24 MS. BARNETT: I object. He's answered the  
25 question that he doesn't know. So any guess would be a

1 guess.

2 MR. SECREST: Let me rephrase it.

3 Q. (BY MR. SECREST) Without guessing, can you look  
4 at your offense report and see if there's anything there  
5 that might refresh your recollection. And if there's  
6 not, don't guess.

7 A. Approximately 4:20 a.m. Sandra Melgar was  
8 brought to the house to collect clothing and additional  
9 photographs of her.

10 Q. So let's be real clear here: What specific  
11 items of clothing did you obtain from her?

12 A. Red and black colored lingerie top. A black  
13 colored robe.

14 Q. Is that it?

15 A. Yes, sir.

16 Q. Do you remember -- strike that -- did you --  
17 did you take any swabs of her at that time?

18 A. No, sir.

19 Q. You basically took two items of clothing from  
20 her. And how did that take place? Was she alone in a  
21 room and handed it to you, or had a deputy -- female  
22 deputy escort her? How does that work?

23 A. Deputy McCance was with her when she took the  
24 clothing off.

25 Q. Okay. And then the clothing was given to you,

1 and you documented in your log that you received it?

2 A. My notes, yes.

3 Q. Yes, sir. And that's the last you had to deal  
4 with Sandra Melgar that evening, or really any time  
5 thereafter; fair statement?

6 A. Well, not -- I did have another dealing with  
7 her since then.

8 Q. Oh, that's the other swabbing?

9 A. Yes.

10 Q. We'll talk about that tomorrow and put it into  
11 chronological time.

12 MR. SECREST: Your Honor --

13 THE COURT: I believe that's a good place  
14 to stop.

15 Ladies and gentlemen, that does conclude  
16 today. I do want to reemphasize a couple of the  
17 instructions that I gave you yesterday.

18 Please remember all those admonitions,  
19 especially do not communicate with each other about  
20 anything you hear in this courtroom. You are not to  
21 talk at all about this case until you begin  
22 deliberations. And that will be after you have received  
23 all the evidence in this case.

24 Again, no communication to anyone else  
25 about anything that you have heard in the courtroom.

1 And please refrain from reading anything in the media,  
2 if there is any.

3 With that, have a good night, and we'll  
4 see you at 9:30 in the morning.

5 THE BAILIFF: All rise.

6 THE COURT: Are there any matters we need  
7 to take up before we adjourn for the day?

8 MR. SECREST: One matter, Your Honor, in  
9 light of Deputy Carpenter's candor that he had rough  
10 notes, under Rule 614 of the Texas Rules of Evidence, I  
11 hereby request all of his notes. I will put the State  
12 of Texas on notice any other witness they call, I want  
13 their rough notes.

14 Before you were on the bench, Judge  
15 Mendoza signed an order mandating that all rough notes  
16 be preserved.

17 THE COURT: I saw that.

18 MR. SECREST: So now is the time for those  
19 to be produced.

20 THE COURT: Ms. Barnett, please notify  
21 your witnesses to bring those notes, if possible,  
22 tomorrow.

23 MS. BARNETT: I will.

24 THE COURT: See you all at 9:30.

25