

Guilt Innocence Phase
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1 All right. State, call your next.

2 MS. BARNETT: Deputy Kirkley.

3 THE COURT: (Swearing in.)

4 **DIRECT EXAMINATION**

5 BY MS. BARNETT:

6 Q. Would you please state your name for the
7 record?

8 A. Travis W. Kirkley.

9 Q. How are you employed, sir?

10 A. Harris County Sheriff's Office.

11 Q. How long have you been with the Harris County
12 Sheriff's Office?

13 A. Approximately 25 years.

14 Q. And what do you do there?

15 A. Currently I'm assigned to the crime scene unit.

16 Q. Okay. And how long have you been with the
17 crime scene unit?

18 A. Five years.

19 Q. What do you do as a crime scene officer?

20 A. Several tasks: Fingerprints, photographs, DNA,
21 collection of evidence, measurements.

22 Q. Before you were in the crime scene, where were
23 you?

24 A. I was assigned to patrol for 16 years.

25 Q. All right. And what do you do as a patrol

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1 officer?

2 A. Generally traffic violations, respond to calls
3 for service.

4 Q. And what made you decide you wanted to go to
5 the crime scene unit?

6 A. While I was on patrol, I also got sent over to
7 a task force that was called BARS at the time, which was
8 burglar,y, robbery, apprehension. It was basically our
9 safe home, which is any home burglary, that's what I was
10 doing. I was investigating them, doing all the evidence
11 and stuff for that.

12 Q. Okay. And did you like that?

13 A. Yes, ma'am.

14 Q. And so is that what made you want to transfer?

15 A. Yes, ma'am.

16 Q. Okay. So, let me take you to the date of
17 December 26, 2012 and ask if you recall that day.

18 A. Yes, ma'am.

19 Q. How do you recall it?

20 A. Basically, I was fresh to crime scene.

21 Q. Okay.

22 A. I came over and we were just coming back from
23 the Christmas holidays.

24 Q. Did you go to a location of 9538 Kelsey
25 Meadows?

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1 A. Yes, ma'am.

2 Q. In Harris County, Texas?

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

4 Q. Who did you go with?

5 A. Me and Deputy Campos and a couple of homicide
6 investigators.

7 Q. All right. And what was the purpose of going
8 over there?

9 A. Basically to collect some evidence that
10 homicide investigators were looking at.

11 Q. And do you know what that evidence was?

12 A. Not right offhand, no, ma'am. I was training.
13 I was not privy to all the information.

14 Q. All right. What was your purpose there?

15 A. Basically when I got over there, I was assigned
16 to take photographs.

17 Q. And did you take photographs?

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

19 MS. BARNETT: Your Honor, may I approach
20 the witness?

21 THE COURT: You may.

22 Q. (BY MS. BARNETT) Let me show you for
23 identification purposes, State's Exhibits No. 579
24 through 647. Would you take a look at those and tell me
25 whether or not you can identify them.

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1 Do you recognize those photographs?

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

3 Q. Do they fairly and accurately represent the
4 scene as you saw it December 26, 2012?

5 A. Yes, ma'am, they do.

6 MS. BARNETT: We would offer State's
7 Exhibits 579 through 647 into evidence.

8 THE COURT: All right.

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

11 THE COURT: It will.

12 MR. SECREST: Your Honor, I have no
13 objection to admissibility of State's 579 through 647.

14 THE COURT: All right. State's 579
15 through 647 are admitted and you may publish.

16 MS. BARNETT: Thank you, Judge.

17 Q. (BY MS. BARNETT) What generally did you take
18 pictures of?

19 A. All those are basically just overall and
20 specifically, like, the garage door and stuff like that.

21 Q. Okay. And did you take any bedroom photos?

22 A. No, ma'am.

23 Q. Okay. So essentially 579, is this the garage
24 that you saw in the Kelsey Meadows address?

25 A. Yes, ma'am, it is.

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1 Q. Now, did -- were there any cars that were
2 moved, did you move any cars while you were there?

3 A. No, ma'am.

4 Q. Okay. So the way that we see this exhibit, 579
5 is the way that you saw it on 12/26 of 2012?

6 A. Yes, ma'am.

7 Q. Were you told to take specific pictures of
8 anything?

9 A. Yes, ma'am, basically the garage doors --

10 Q. Okay.

11 A. -- and the garage, I guess the mechanical
12 openers or electrical openers.

13 Q. Under 580. And when you say you took pictures
14 of the garage doors, what do you mean?

15 A. I took extensive photos of the garage door
16 outside and inside, basically just covering the exterior
17 trim, the internal trim, the rails, and the emergency
18 latches.

19 Q. Let me get to the -- like State's Exhibit 615,
20 you took a picture of that?

21 A. Yes, ma'am.

22 Q. 616?

23 A. It's the same thing, just further to the right.

24 Q. Okay. 617?

25 A. Yes, ma'am, same.

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1 Q. 618?

2 A. That's the emergency latch.

3 Q. 619?

4 A. That's the top of the garage door with the
5 rollers and the bearings.

6 Q. Okay. So, there are lots of pictures of these?

7 A. Yes, ma'am.

8 Q. 620?

9 A. Yes, ma'am.

10 Q. 621?

11 A. Yes, ma'am.

12 Q. What are you trying to show here?

13 A. Basically I was just told to take those photos.

14 Q. All right. Well, in any of the photos or
15 anything that you saw in the garage door, did it look
16 like there was any type forced entry there?

17 A. No, ma'am.

18 Q. Did it look like there was any kind of a
19 problem with either of the garage doors?

20 A. No, ma'am.

21 Q. Did it look like there had been any tampering
22 of the garage doors?

23 A. None that I observed.

24 Q. 623, okay. You also took pictures of the
25 content of the garage?

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1 A. Yes, ma'am.

2 Q. Specifically I want to show you State's
3 Exhibit 581 -- do you remember -- well, first of all,
4 what is that in 581?

5 A. Basically, it's overall of the items that were
6 located on the floor of the garage.

7 Q. And do you specifically recall what this item
8 is that's right in the middle of the page there?

9 A. Yes, ma'am. It's a backpack that, I can't
10 remember who asked, one of the homicide investigators
11 asked us to retrieve that bag.

12 Q. And did you do that?

13 A. Yes, ma'am. Deputy Campos did.

14 Q. Okay. Did you look inside the bag?

15 A. I did not, no, ma'am.

16 Q. Do you know what the contents of the bag were
17 on December 26, 2012?

18 A. I was told by Deputy Campos that there were
19 electronics that were inside the bag.

20 Q. Okay. Did he tell you that there was anything
21 else in the bag?

22 A. No, ma'am.

23 Q. And did you take pictures -- on the inside of
24 the garage on 584, such as here?

25 A. Yes, ma'am.

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1 Q. Did you note or did you see specifically a
2 Corona bottle that was there?

3 A. Yes, ma'am. It's just included an overall.

4 Q. Okay. And a Corona pack where beer bottles
5 should be but aren't or a Corona bottle --

6 A. Yes, ma'am.

7 Q. -- packaging?

8 State's Exhibit 586. You specifically
9 took pictures of this table.

10 A. Yes, ma'am.

11 Q. Why?

12 A. Again, it's just a part of my overall
13 photographs.

14 Q. Did anybody direct you to take a picture of
15 that?

16 A. No, ma'am.

17 Q. You took an upclose picture of the Waterpik?

18 A. Yes, ma'am.

19 Q. And the Corona bottle?

20 A. Yes, ma'am.

21 Q. Was there any investigation done on the
22 Waterpik and the Corona bottle as far as you know?

23 A. I know the Waterpik, I dusted it for prints
24 later on.

25 Q. All right.

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1 A. And then that was it.

2 Q. All right. And I'm going to get back to that
3 in a second. In 588, what does this show us?

4 A. Another overall of the items that were on the
5 shelving.

6 Q. Okay. Was there anything specific about
7 anything in the picture that you were told about?

8 A. Yes, ma'am. Deputy Campos, that red and black
9 bag approximately right here in the center, that was
10 a -- there was some type of item in it, and he had me
11 process it for latent prints also.

12 Q. Okay. You also took some photos showing the
13 things and how they were organized in the closet.

14 A. Yes, ma'am.

15 Q. Okay. As to the items that you talked about,
16 you processed exactly what, from that scene?

17 A. The Waterpik and I can't remember what that
18 thing was in the red bag, but I basically took
19 fingerprints on it.

20 Q. All right. So did you take the fingerprints
21 there at the scene, or did you collect the items and
22 take them back to the office?

23 A. No, just dusted them there.

24 Q. All right. And did you find any prints on the
25 Waterpik?

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1 A. I know we removed some stuff and then I gave it
2 to Deputy Campos, who was the one that was going to do
3 all the latent print examinations.

4 Q. All right. So, do you not have a recollection
5 or you don't remember whether or not they were useable
6 prints?

7 A. I honestly don't have no recollection.

8 Q. Do you remember how many prints you took of the
9 Waterpik?

10 A. No, ma'am.

11 Q. Do you remember --

12 THE COURT: Ms. Barnett, I'm going to
13 interrupt right at this moment now for lunch.

14 Your lunch is here. We're going to go
15 ahead and break at this time. Sorry it's in the middle
16 of this witness, but once you are completed with your
17 lunch and you're ready to resume, ring that bell and
18 we'll get started.

19 Time is 1:04.

20 THE BAILIFF: All rise.

21 (Jury leaves courtroom)

22 MR. SECREST: We've got a situation that
23 we would like you to look into it.

24 THE COURT: I have a copy.

25 MR. SECREST: I was approached by a member

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1 of the Melgar family, who said they saw a juror talking
2 to a woman who they thought was a reporter and I
3 mentioned that to Colleen and Gary goes out and looks
4 like there's a conversation. She, apparently, she was
5 riding up the elevator with the Asian juror, short
6 fellow. I don't think he's the alternate.

7 THE COURT: He sits over here.

8 MR. SECREST: He's male, and apparently he
9 said to her, what are you doing here. Well, I'm here to
10 watch a trial. He said -- apparently, he responded he's
11 a juror in a criminal case. And then he asked her, as I
12 understand it, or she asked him, has the defense started
13 and he said something to the fact, no, you've missed a
14 lot in the last two days, something like that. Bottom
15 line, I don't see anything poisonous about it, but he
16 shouldn't be talking. So I just think you probably need
17 to call that juror out. Make sure that that's the total
18 situation. I was there when Gary talked to the other
19 woman and she's scared. I don't think she had any ill
20 intent.

21 MS. BARNETT: Isn't he wearing a juror
22 badge?

23 MR. SECREST: I would hope so, yeah.

24 THE COURT: And what does she do for a
25 living?

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1 MR. SECREST: We don't know. Gary asked
2 her three or four different ways whether she was a
3 reporter or worked for anything like that, and she said
4 no, she said she's prelaw. That's all I know.

5 MS. BARNETT: Is she in here right now?

6 MR. SECREST: She's sitting in the back.
7 That's her there.

8 MS. BARNETT: Does she know that we're
9 talking about this?

10 MR. SECREST: I would imagine. Gary
11 took --

12 MS. BARNETT: Oh, that's right.

13 MR. SECREST: Her photo. I mean her photo
14 I.D.

15 THE COURT: His name is --

16 MR. SECREST: He was on the first row when
17 we picked him.

18 THE COURT: So I will bring him out and
19 I'm going to inquire.

20 MS. BARNETT: Do you want to do it in
21 chambers, or do you want to do it out here?

22 MR. SECREST: I'd prefer to do this in
23 chambers, so it doesn't look like a big event.

24 THE COURT: Let's do it in chambers.

25 MR. SECREST: I just want to make him feel

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1 better.

2 MS. BARNETT: I do, too.

3 MR. SECREST: I mean, at least, normally
4 when I've done that in the past, it's for demonstrative
5 purposes, not a piece of evidence, because obviously the
6 lawyers, even though it may retract what a witness said
7 in court, I think it's a piece of demonstrative
8 evidence. Now, if that's not the case, I guess that's
9 fine because I'm going to be doing a lot when I
10 cross-examine their folks. We're going to have a whole
11 bunch of lawyer stuff going back in the jury room. So
12 you tell me.

13 THE COURT: Are you going to offer it?

14 MS. BARNETT: I am going to offer it.
15 It's the exact testimony.

16 MR. SECREST: I don't have -- I'm just
17 going to say I'm going to do a lot of that, too. That's
18 cool, that's cool.

19 **(In Chambers conference.)**

20 THE COURT: Don't worry, you're not in any
21 trouble.

22 Are you No. 4 on the panel, Amimr Hamid?

23 VENIREPERSON: Yes, I am.

24 THE COURT: I brought you in here. You're
25 obviously back in my chambers, and everyone is present.

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1 It has come to my attention that you may have had a
2 brief conversation on the elevator with someone?

3 VENIREPERSON: Yes, I did.

4 THE COURT: And do you recall who that
5 conversation was with?

6 VENIREPERSON: Yes. It was a lady with a
7 green sweater. And all we talked about -- we didn't
8 talk about anything. She said, oh, I'm late, and I
9 missed a few days. And she was, like, what happened
10 those two days? And I was, like, "Nothing just some
11 evidence that happened, and some pictures shared, and
12 that's it." She told me she was a pre-school lawyer,
13 and she was just here to experience the court, and
14 that's it. That's the brief conversation I had.

15 THE COURT: Okay. Was there anything
16 about that conversation with her that may have
17 influenced you about anything you personally heard in
18 the courtroom?

19 VENIREPERSON: She did not at all ask me
20 or tell me anything about it. She just said that she
21 wanted to -- she was really excited to be sitting there
22 because she wanted to learn about the case, but she did
23 not share anything.

24 THE COURT: So you didn't walk away taking
25 any kind of inference or anything from that

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1 conversation?

2 VENIREPERSON: Not at all.

3 Moreover, I did go into the jury room and
4 did share that there was a pretty lady that spoke.
5 That's all I said, to be honest. But apart from that,
6 no, she did not share any sort of information to me.

7 THE COURT: All right. Because you
8 understand we want to preserve the sanctity of what you
9 hear in the courtroom?

10 VENIREPERSON: Yes, yes.

11 THE COURT: Does anyone else have any
12 questions?

13 MR. SECREST: Not at all, Your Honor.

14 THE COURT: All right. Like I said, we
15 want to make sure we keep you and your mind open as to
16 what you heard. And at the end, only remember what
17 evidence you heard from the witness stand.

18 VENIREPERSON: Again, nothing of the sort
19 she shared with me -- just saying she's a student, and
20 she's there for, you know, to experience the court.
21 That's it.

22 THE COURT: All right. Thank you.

23 VENIREPERSON: May I ask something further
24 more? The fact that I just told her -- I didn't go into
25 details like what sort of photos were shared. But I

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1 just said some evidence that was shared, and she asked
2 what happened in those two days. But nothing in detail.
3 Was that wrong of me?

4 THE COURT: I know that it's human nature
5 to want to talk about what you observed and heard, but I
6 would rather that you just keep any contact that you
7 have with anyone outside the courtroom and amongst
8 yourselves as well, only in generalities.

9 VENIREPERSON: Yes, ma'am, that's what
10 we've been doing.

11 THE COURT: And to not talk about the case
12 or anything happening in the courtroom at all with
13 anyone else.

14 VENIREPERSON: Yes, ma'am. It won't
15 happen again.

16 THE COURT: Okay. Thank you. You can go
17 back to the jury room.

18 All right. Is that good?

19 MR. SECREST: It's good.

20 MS. BARNETT: It's fine.

21 (Back in courtroom.)

22 THE COURT: I need to make a general
23 announcement.

24 MR. SECREST: That would be good.

25 THE COURT: Ladies and gentlemen of the

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1 audience, I'd like to make an announcement and please,
2 if you have a friend or a co-worker that is not in here
3 but is planning to be in here, if you hear anything in
4 this courtroom and you run into a juror related to this
5 case, please do not, and I repeat, do not make any
6 comments to that juror or any references, inferences, or
7 any subject matter related to this case. All right? I
8 prefer if you don't talk to them directly. There is
9 some media inquiries into this case. There's also
10 family members present. Different people have different
11 interests in this case. So, do not speak to any jurors
12 in the case, all right? Everyone rides the same
13 elevator. So I don't want to hear that anyone has done
14 that. Everyone clear? Okay. All right. Bring in the
15 jury.

16 (Jury enters courtroom)

17 THE COURT: Okay. How was lunch?

18 JURY PANEL: Good (in unison).

19 THE COURT: All right. Good deal.

20 Deputy Kirkley, if you would come on up
21 and resume your seat.

22 MS. BARNETT: Before I forget, Judge, I
23 have marked this exhibit as State's Exhibit 670; and we
24 would offer it into evidence.

25 MR. SECREST: No objection, Your Honor.

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1 THE COURT: State's Exhibit No. 670 is
2 admitted.

3 MS. BARNETT: Thank you.

4 THE COURT: All right. You may proceed.

5 Q. (BY MS. BARNETT) And do you remember how many
6 prints you took of the Waterpik?

7 A. No, ma'am, I don't.

8 Q. Did you take prints of anything else?

9 A. No, ma'am.

10 Q. I'm showing you what's been marked as State's
11 Exhibit 588. Do you remember that?

12 A. Yes, ma'am.

13 Q. Do you remember anything about that black and
14 red bag?

15 A. Yes, ma'am. That's one of the items that I
16 took prints off of --

17 Q. Okay.

18 A. -- that it came out of.

19 Q. All right. So you -- you took prints of the
20 Waterpik shown in 587?

21 A. Yes, ma'am.

22 Q. And you took prints of what, of the bag, the
23 inside of the bag?

24 A. Yes, ma'am.

25 Q. Do you remember what was inside the bag?

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1 A. Some kind of A/C kick starter. It was an
2 electronical -- electrical item.

3 Q. And were you directed to take prints from those
4 specific items?

5 A. Yes, ma'am.

6 Q. Did you analyze those prints?

7 A. No, ma'am.

8 Q. Who -- do you know who analyzed those prints?

9 A. I gave all the prints to Deputy Campos.

10 Q. And do you remember if they were about four
11 prints total that you took?

12 A. I honestly couldn't tell you, ma'am.

13 Q. Okay.

14 MS. BARNETT: May I approach the witness?

15 THE COURT: You may.

16 Q. (BY MS. BARNETT) Sir, I'm going to show you
17 what's been marked for identification purposes as
18 State's Exhibits 648 through 653. Would you take a look
19 at those photos and tell me whether or not you can
20 identify them?

21 A. Yes, ma'am.

22 Q. Did you take those photos?

23 A. Yes, ma'am, the same night.

24 Q. Do they fairly and accurately represent the
25 scene as you saw it December 26, 2012?

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1 A. Yes, ma'am.

2 MS. BARNETT: We would offer into evidence
3 State's Exhibit 648 to 653, and may the record reflect
4 I'm tendering to opposing counsel?

5 THE COURT: It will.

6 MR. SECREST: I have no objection to
7 admissibility of State's Exhibit 648 through 653.

8 THE COURT: All right. State's 648
9 through 653 are admitted and you may publish.

10 MS. BARNETT: Thank you, Your Honor.

11 Q. (BY MS. BARNETT) And what do these pictures
12 show us?

13 A. Basically that's the kitchen area of the house
14 and specifically to the drawer to the right of the sink.
15 And there was some small jewelry inside of it.

16 Q. And were you directed to take these photos?

17 A. Yes, ma'am.

18 Q. And who were you directed to take these photos
19 by?

20 A. Deputy Campos.

21 Q. 649, is this way -- the scene as you saw it?

22 A. Yes, ma'am.

23 Q. What does State's Exhibit 650 show us?

24 A. That's the drawer after it's opened.

25 Q. And what are we looking at here?

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1 A. Up in the top corner of the drawer is that
2 jewelry I was describing.

3 Q. And State's Exhibit No. 653, what is that?

4 A. That's basically just a closeup of the same
5 jewelry --

6 Q. All right.

7 A. -- that's inside the drawer.

8 Q. And do you know whether or not that jewelry was
9 recovered?

10 A. I have no idea.

11 Q. You just were there just to take the pics?

12 A. Yes, ma'am.

13 MS. BARNETT: May I approach the witness?

14 THE COURT: You may.

15 Q. (BY MS. BARNETT) I'm showing you what's been
16 marked as State's Exhibit No. 32 through 55. Would you
17 take a look at those, please.

18 Do you recognize those photos?

19 A. Yes, ma'am.

20 Q. Are those photos you took on December 26, 2012?

21 A. Yes, ma'am.

22 Q. Do they fairly and accurately represent the
23 scene from that day?

24 A. Yes, ma'am.

25 MS. BARNETT: Your Honor, we would offer

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1 State's Exhibit 32 through 55 and may the record reflect
2 I'm tendering to opposing counsel?

3 THE COURT: It will.

4 MR. SECREST: No objection to
5 admissibility of State's Exhibits 32 through 55.

6 THE COURT: All right, 32 through 55 are
7 admitted and you may publish.

8 MS. BARNETT: Thank you.

9 Q. (BY MS. BARNETT) And Deputy, what do these
10 pictures represent?

11 A. Basically it's the outside area of the garage
12 doors.

13 Q. And what were you trying to take pictures of on
14 these photos of State's Exhibit 32?

15 A. Just the outer edge around the garage door.

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

17 A. Yes, ma'am.

18 Q. And what does State's Exhibit 33 show?

19 A. Just the beginning of the bottom of, I believe,
20 the left door.

21 Q. And then the middle of the door, 34.

22 A. Yes, ma'am.

23 Q. And then the top of the door, 35?

24 A. Yes, ma'am.

25 Q. Did you do that all the way around on both

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1 doors?

2 A. Yes, ma'am.

3 Q. Was that your idea or were you directed to do
4 that?

5 A. Basically they just told us to take pictures of
6 the doors specifically, and I just overlapped them; that
7 way, if they needed any particular item or part of that
8 door, it would be shown.

9 Q. Okay. And did you see any forced entry on 36?

10 A. No, ma'am.

11 Q. On any of the doors? Thirty-seven?

12 A. No, ma'am.

13 Q. Thirty-eight?

14 A. No, ma'am.

15 Q. Any of the doors in the rest of the pictures?

16 A. No, ma'am.

17 Q. Thank you, sir.

18 MS. BARNETT: I'll pass the witness.

19 THE COURT: All right. Cross-examination?

20 **CROSS-EXAMINATION**

21 BY MR. SECREST:

22 Q. Deputy Kirkley, how are you, sir?

23 A. All right, sir. How are you?

24 Q. I'm good. It's Friday afternoon.

25 So we're clear, you were out there on

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1 December 26, 2012?

2 A. Yes, sir.

3 Q. And as I understand it, you just basically had
4 begun your CSU service?

5 A. Yes, sir.

6 Q. And how long had you been in the CSU for duty
7 at that time?

8 A. On the 26th, approximately 13 days.

9 Q. There you go. So, you were out there for
10 approximately how long on the 26th of December of 2012?
11 What do you think?

12 A. I would say two or three hours.

13 Q. Okay.

14 A. If not longer.

15 Q. Okay.

16 And so you were given specific
17 instructions to photograph the doors, the garage doors
18 to document whether there was any forced entry; is that
19 what I understand you testified to?

20 A. Yes, sir.

21 Q. Okay. Were you asked to take any photographs
22 of the front door of the house itself?

23 A. No, sir.

24 Q. So your focus was on the garage door?

25 A. Yes, sir.

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1 Q. Okay. Both from the exterior shot, let's say
2 from the street towards the door, and then an interior
3 shot back -- from the back of the garage toward the
4 garage doors themselves?

5 A. Yes, sir.

6 Q. Does that make sense?

7 A. Yes, sir.

8 MR. SECREST: May I approach the witness?

9 THE COURT: You may.

10 Q. (BY MR. SECREST) Let me show you what's been
11 marked as State's Exhibit 591. Is that a photograph you
12 took?

13 A. Yes, sir, the interior of the garage.

14 Q. Just help us, if you would, what does 591
15 depict? What is that showing?

16 A. It's basically the upper portion of the garage.
17 I believe that's the door leading into the, the
18 residence.

19 Q. Were you asked to inspect or do any kind of
20 investigation as to that interior door?

21 A. No, sir.

22 Q. Okay. So, is this -- is this -- would this be
23 the interior door?

24 A. I believe it is, sir.

25 Q. Okay. It would be fair to say that that is the

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1 condition that you found the interior door when you were
2 asked to take the photograph of it?

3 A. Yes, sir.

4 Q. It looks like that door is not all the way
5 closed. Would that be a fair statement?

6 A. Yes, sir.

7 Q. While you were out there at any time did you
8 check and verify as to whether the locking mechanism
9 worked on that door?

10 A. No, sir, I did not.

11 Q. Was it your understanding that when the
12 responding officers went to the scene originally on
13 December 23rd, that one of the garage doors was up. Is
14 that your understanding?

15 A. I have no idea what actually took place on the
16 other one.

17 Q. That would be fine.

18 Do you know why you were asked to try to
19 take fingerprints off a Waterpik in the garage?

20 A. If I remember correctly, one of the homicide
21 investigators had requested it.

22 Q. Okay. And when you were at the scene, did you
23 determine whether or not the garage doors actually
24 worked?

25 A. Yes, they were manipulated and they opened

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1 properly.

2 Q. Would it be fair to say the way you would --
3 one way to manipulate them would be touch those buttons
4 right next to one another to the left side of that
5 interior door?

6 A. Yes, sir.

7 Q. And another way to manipulate them would be by
8 what I call a clicker?

9 A. Yes, sir, a remote, yes, sir.

10 Q. You ever call it a clicker?

11 A. Sometimes.

12 Q. Okay. Took a whole lot of pictures of this
13 mechanism, didn't you?

14 A. Yes, sir.

15 Q. All right. Okay. I'm trying to get something
16 relevant.

17 MR. SECREST: All right. May I approach
18 the witness?

19 THE COURT: You may.

20 Q. (BY MR. SECREST) Let me show you what's been
21 marked as State's Exhibit 579. Do you remember that
22 photograph?

23 A. Yes, sir.

24 Q. And for the members of the jury, what is that
25 photograph trying to show?

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1 A. Basically it's just the overall of the garage.

2 Q. And let me say this and you tell me if I'm
3 right or inaccurate: Is that shot from the perspective
4 of basically back by the interior door, looking across
5 the garage to the two garage doors towards the street?

6 A. It appears to be.

7 Q. Okay, thanks.

8 Now, was it your understanding really the
9 primary reason y'all were going out there was to
10 retrieve a piece of evidence, possible evidence in the
11 form of a backpack of -- that's depicted in 579, I'm
12 kind of pointing towards. You see that?

13 A. Yes, sir.

14 Q. Do you remember seeing the backpack?

15 A. Yes, sir.

16 Q. Were you instructed -- were y'all basically
17 instructed to, my word, confiscate that backpack as
18 evidence and then take it from the scene?

19 A. I believe so, yes, sir.

20 Q. Let me show you what's been previously marked
21 as State's Exhibit 667.

22 MR. SECREST: May I approach the witness?

23 THE COURT: You may.

24 Q. (BY MR. SECREST) Does this appear to be the
25 backpack that you all, my word, confiscated on the

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1 evening of December 26, 2012?

2 A. Yes, sir, appears to be.

3 Q. Now, when you saw that backpack, did you see
4 anything sticking out of it?

5 A. Honestly I don't remember, sir.

6 Q. Let me ask you this, see if it refreshes your
7 recollection. Maybe it will, maybe it won't. Do you
8 remember like an Xbox component sticking out of it?

9 A. I know there was some electronical {sic}
10 device, or electrical device, in it. Other than that, I
11 couldn't honestly tell you.

12 Q. Were you aware that there were about 20 pieces
13 of jewelry found in the backpack?

14 A. No, sir.

15 Q. That wasn't your -- your job description?

16 A. No, sir. I believe Deputy Campos did all that
17 back at the lab.

18 Q. Okay. But bottom line is you all were
19 instructed in part to go out back to the scene on
20 December 26 and retrieve the backpack and its contents,
21 make sure it got back to the property room to be
22 inventoried and ultimately examined in whatever way?

23 A. Yes, sir.

24 Q. Okay. Were you doing some measuring at the
25 crime scene on December 26?

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1 A. I believe we did.

2 Q. Because I was looking at a report, and I
3 thought that maybe you did some measuring?

4 A. I believe me and Deputy Campos did, yes.

5 Q. Okay.

6 MR. SECREST: May I approach the witness?

7 THE COURT: You may.

8 Q. (BY MR. SECREST) I'm going to show you in
9 Colleen's Supplement 7, page 7, R.V. Campos. This is
10 not your report, but I want you to look at it and see if
11 it refreshes your recollection. Do you see where you
12 all endeavored to measure the location of various things
13 that you took from the crime scene?

14 A. Yes, sir.

15 Q. Okay. Now, this backpack -- let me show you
16 what's already been admitted into evidence as State's
17 Exhibit No. 2. I'm going to try to tilt where the jury
18 can see it and you can too, if I don't poke my eye out.
19 Does that kind of make sense of what this is?

20 A. I believe so, yes, sir.

21 Q. This is the garage?

22 A. Yes, sir.

23 Q. All right. And this depiction has an Infiniti
24 parked in the garage, and then this space doesn't have
25 anything. Do you see that?

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1 A. Yes, sir.

2 Q. Now, I understand that when you arrived at the
3 scene, the Infiniti wasn't parked in the garage?

4 A. No, sir. The garage was empty.

5 Q. The garage was empty, except a bunch of crud on
6 the right-hand side?

7 A. Yes, sir. There was no vehicles in the garage.

8 Q. Okay. And so we're clear, this backpack was
9 found basically in this vicinity I'm pointing here, kind
10 of on the passenger side back by the rear wheel area?

11 A. Yes, sir, I believe so.

12 Q. Okay. And just so we're clear, based upon the
13 measurements that you-all took, you indicated in your
14 report --

15 MR. SECREST: May I approach again?

16 THE COURT: You may.

17 Q. (BY MR. SECREST) Make sure that we're on the
18 same page; that the backpack was 2 and 1/2
19 feet from the south wall?

20 A. Yes, sir.

21 Q. And the south wall would basically be the
22 garage door?

23 A. Yes, sir, the garage door and that little piece
24 of, I don't know what you call it in between the two
25 garage doors.

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1 Q. Yes, sir?

2 A. That little structure there.

3 Q. What I'm trying to -- the way I read this is
4 I'm all wet. Tell me, was this backpack basically 2 and
5 1/2 feet from the door?

6 A. Yes, sir.

7 Q. Okay. And then obviously it's -- I wouldn't
8 say in the center of the garage. That's not really
9 accurate because it's over here on the -- what I'm going
10 to call the left part, the left garage if you're facing
11 it from the street, left garage, the right garage. The
12 backpack is found on the left garage, but pretty close
13 to the middle?

14 A. Yes, sir.

15 Q. And again, about 2, 2 and a half, about 2 feet,
16 5-inches from that wall or back door?

17 A. Yes, sir.

18 Q. Is that fair?

19 A. Yes, sir.

20 Q. With respect to your testimony concerning what
21 appeared to be wedding rings found in that drawer in the
22 kitchen?

23 A. Yes, sir.

24 Q. Who pointed out in the -- to you all where the
25 rings were? Do you remember?

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1 A. Honestly I don't remember, sir.

2 Q. You don't remember it, fine.

3 Did y'all also retrieve a bunch of
4 shredded paper in the garage?

5 A. I remember noting a bunch of it. I don't know
6 if they retrieved it or not. You would have to ask
7 Deputy Campos.

8 Q. Okay. That's fair enough. That's fair enough.
9 I think that's all I have. Thank you so much.

10 THE COURT: All right. Any redirect,
11 State?

12 MS. BARNETT: No, Judge.

13 THE COURT: May he be excused?

14 MS. BARNETT: Yes, Judge.

15 MR. SECREST: He may.

16 THE COURT: All right. State, call your
17 next.

18 MS. BARNETT: Deputy Campos.

19 THE COURT: (Swear in of the witness.)
20 State, you may proceed.

21 MS. BARNETT: Thank you.

22 **DIRECT EXAMINATION**

23 BY MS. BARNETT:

24 Q. Would you please state your name for the
25 record, sir.