

Guilt Innocence Phase
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1 THE COURT: Okay. Thank you, Deputy.
2 Have a good weekend.

3 THE WITNESS: You, too.

4 THE COURT: Both sides approach.

5 MS. BARNETT: I've got one short one.

6 THE COURT: State, call your next.

7 MS. BARNETT: Sergeant McConnell.

8 THE COURT: (Swearing in.)

9 You may proceed.

10 MS. BARNETT: Thank you.

11 **DIRECT EXAMINATION**

12 BY MS. BARNETT:

13 Q. Would you please state your name for the
14 record?

15 A. Anthony McConnell.

16 Q. And how are you employed, sir?

17 A. I'm a lieutenant with the Harris County
18 Sheriff's Office, currently assigned to crime scenes.

19 Q. Okay. How long have you been with the
20 sheriff's office?

21 A. Start my 25th year at the end of this month.

22 Q. Okay. Where are you currently assigned?

23 A. Crime scene unit.

24 Q. Okay. I'm sorry. I already asked that. How
25 long have you been in the crime unit, crime scene unit?

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1 A. Worked in the crime scene unit about five years
2 as a sergeant, promoted, left; and I've been back about
3 three years as a lieutenant.

4 Q. Okay. As a lieutenant, what is your
5 responsibility in a crime scene unit?

6 A. Make sure my people have the training they
7 need, the equipment they need, personnel they need.

8 Q. Okay. And is that a different responsibility
9 then when you were sergeant in the crime unit?

10 A. It's similar, but I have -- now I have all
11 three shifts that I'm responsible for instead of one.

12 Q. What does that mean?

13 A. I'm the only lieutenant in crime scene.

14 Q. Okay.

15 A. So I'm responsible for all three shifts.

16 Q. All right. Let me take you back to December 23
17 of 2012 and ask if you recall that day.

18 A. Yes, ma'am.

19 Q. Were you involved in the investigation at 9538
20 Kelsey Meadows in Houston, Harris County, Texas?

21 A. Yes, ma'am.

22 Q. In what way?

23 A. It was a call-out weekend. I received a call
24 from the watch command that we had a homicide
25 investigation going on at that location. I dispatched

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1 CSI Crime Scene Investigator Maurice Carpenter and then
2 I also went en route. En route I also contacted Crime
3 Scene Investigator Rivera, and I don't know what else
4 you want.

5 Q. All right. That's good. All right. So you
6 had both Rivera and Carpenter assigned?

7 A. Yes, ma'am.

8 Q. Why did you assign two CSU officers?

9 A. Because at this point in time it was a
10 who-done-it homicide, and I was told it was a large
11 scene.

12 Q. Who -- how many other authority people were
13 there?

14 A. Rephrase. I don't understand what you're
15 saying.

16 Q. Okay. Who were the lead investigators there?

17 A. As far as crime scene goes, the lead
18 investigator was Maurice Carpenter and helping him was
19 Elias Rivera.

20 Q. All right. So I take it you're not a part of
21 who the lead detectives are?

22 A. No, ma'am.

23 Q. Why did you go to the scene?

24 A. My job as a sergeant is basically to keep
25 people off of the back of my crime scene investigators,

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1 key people, and make sure they have the staffing they
2 need on scene, the equipment they need on scene,
3 chemicals they need on scene.

4 Q. All right.

5 A. Basically, they run it. I mean, I ask
6 permission to come onto their scene when I get there. I
7 don't outrank them, but it's their scene.

8 Q. Okay. And when you say the things that they
9 need, the chemicals, the this and that, are you talking
10 about if they run out of something, you'll go get it? I
11 mean, how does that work?

12 A. Some chemicals are not kept in a vehicle. Some
13 chemicals need to be kept in a refrigerator, and they're
14 kept back at the lab.

15 Q. Okay.

16 A. So if someone needs to go get them, I'll go get
17 them or I'll have Rivera swing by there on his way
18 there. That's my coordination. I'm in charge of
19 getting this equipment there.

20 Q. Okay. What input, if any, did you have on this
21 case or in this case? Did you do any investigative
22 work?

23 A. The only thing I did was a video. I took part
24 in a video.

25 Q. All right. Have you looked at the pictures

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1 from the scene?

2 A. Yes, ma'am.

3 Q. Have you looked at the evidence of the scene?

4 A. No, ma'am.

5 Q. So, we're about to see the video, but there's a
6 reason why you did that. So how -- what was your
7 understanding of what was going on when you first got
8 there?

9 A. My understanding was the female complainant was
10 tied up and locked in a bathroom closet with a chair
11 wedged under the door handle, and the male complainant
12 was naked inside the closet of the bedroom and deceased.

13 Q. Okay. Do you know how he died?

14 A. At the time I didn't know if it was gunshot or
15 stabbing, but we believed it to be stabbing initially.

16 Q. Okay. From just looking at the way that he was
17 positioned, you wouldn't be able to tell necessarily?

18 A. Well, I -- I didn't go stand over the top of
19 him. A crime scene investigator might have been able to
20 tell. A homicide investigator might have been able to
21 tell, but it's -- I don't want to contaminate the scene
22 by standing over the top of him. So it's not something
23 I would have done.

24 Q. Okay. Now, did you have any judgments at that
25 point about what happened or who did anything?

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1 A. No. Like I said initially, it was a
2 who-done-it homicide, which is why we sent two people.

3 Q. Okay.

4 A. Uh --

5 Q. Okay. Go ahead.

6 A. And so throughout the -- throughout the time
7 witness statements were being done by investigators down
8 at Lockwood, which is their office, and some of that
9 information was filtering back, like the chair
10 underneath the door handle.

11 Q. All right. And so what did you decide to do
12 about that?

13 A. At one point in time I was in the bathroom. I
14 believe we were doing BLUESTAR, and BLUESTAR is a
15 chemical that reacts with, with small traces of blood.
16 It will illuminate darkness. The -- I'm not a camera
17 person. So I don't operate the camera, but the camera's
18 shutter needs to stay open for an extended period of
19 time to pick up a small amount of light. So Carpenter
20 would take those photos while I was spraying BLUESTAR to
21 illuminate anything that would react.

22 Q. Okay.

23 A. So while I was in there, I noticed the carpet
24 or pillow sham, as it it turned out to be, laying on the
25 floor, outside the door and it was kind of wadded up.

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1 And the first thing I thought was, why would we wad it
2 up? The door clearly looks tall enough to clear it.
3 Did it get kicked by somebody? Did it get moved by the
4 door? I didn't know.

5 MS. BARNETT: Your Honor, may I approach
6 the photographs?

7 THE COURT: You may.

8 MS. BARNETT: May I approach the witness?

9 THE COURT: Yes.

10 Q. (BY MS. BARNETT) I'm going to show you what's
11 been marked for identification purpose -- I'm sorry,
12 what's into evidence as State's Exhibit 321. Is what
13 you're describing shown in that photograph?

14 A. Yes, ma'am.

15 Q. Okay. And what -- which one are you talking
16 about?

17 A. This rug here next to the chair.

18 MS. BARNETT: May I walk this in front of
19 the jury?

20 THE COURT: You may.

21 Q. (BY MS. BARNETT) All right. So what did --
22 what are you saying about -- did that look suspicious to
23 you, or what exactly are you saying?

24 A. It was just scrunched up; and I didn't know
25 what had caused that, whether somebody kicked it. I

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1 really didn't know why it was done like that. Was the
2 door -- did the door of the closet push it open and so
3 basically I laid it -- after everything was processed
4 this is probably six, seven hours after we were there,
5 and the door had already been processed by Deputy
6 Carpenter.

7 Q. When you say the door, what do you mean?

8 A. The closet door.

9 Q. Okay. Go ahead.

10 A. I talked to him about, could you lock yourself
11 inside the closet?

12 Q. Because that was an issue?

13 A. Correct.

14 Q. All right.

15 A. And so I brought the theory of being able to do
16 so; and he said, well, I couldn't use the chair unless
17 he pulled the cover off because the cover was actually
18 touched by the suspect, whoever locked her in the
19 closet. That was the theory at that point. So we took
20 off the seat cover, and then I started to attempt to
21 lock myself into the closet. In doing so, when I pulled
22 back the pillow sham, if I laid the pillow sham in the
23 opening, you open the door, the door is now, you know,
24 open, causing the door handle to basically be now even
25 with the middle of the door. So when you hook -- I

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1 hooked the chair in as I started pulling the sham, the
2 door handle moves over to the side, the chair moves over
3 to the side and drags the pillow sham with it. So, now
4 my pillow sham is no longer in the center of the door.
5 So as I went to go shut it, the pillow sham gets stuck
6 in the door frame at the point where there's a rip.

7 Q. Okay.

8 A. At that point in time Carpenter said, this is
9 possibly -- it's a possible?

10 MR. SECREST: Objection. Excuse me,
11 Lieutenant. Objection to what Carpenter said. I can't
12 cross-examine that.

13 THE COURT: Sustained. Ask your next
14 question.

15 Q. (BY MS. BARNETT) So you said that there was a
16 rip. Was -- did you cause the rip, or was the rip
17 already there?

18 A. The rip was already there.

19 Q. All right. And was that important to you?

20 A. Yes, ma'am, because it lined up close to the
21 door frame and the door.

22 Q. All right. So was there -- was there some type
23 of conversation between you and Carpenter about the
24 evidence and the integrity of it?

25 A. Yes, ma'am. Once -- we believed that.

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1 MR. SECREST: Objection to what we
2 believed.

3 THE COURT: Sustained.

4 Q. (BY MS. BARNETT) What did you believe?

5 A. At that point in time I believed that pillow
6 sham was evidence and could not be used in further
7 reconstruction.

8 Q. All right. So what did you decide to do?

9 A. I used the identical one that was next to it, I
10 believe it was outside of the shower. It was identical
11 shape, size, color, pattern.

12 Q. I don't know if you really looked at the scene,
13 but did you notice that there were several of the -- I'm
14 showing you State's 578 -- several of these around the
15 house with same pattern. Did you notice at all?

16 A. No. I noticed the two in the bathroom.

17 Q. All right. So, did you use a sham that was
18 exactly like this one to do your experiment?

19 A. Yes, ma'am.

20 Q. Is this the ripped one that you initially used?

21 A. I believe so, yes, ma'am.

22 MS. BARNETT: May I approach the witness?

23 THE COURT: You may.

24 Q. (BY MS. BARNETT) I'm going to show you what's
25 been marked as State's Exhibit 672 and ask that you take

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1 a look at that. Do you recognize it?

2 A. No, ma'am. It looks like it was created by
3 Carpenter, has his name on it.

4 Q. Well, it -- let me say this: Is there a video
5 of you pulling the sham and closing the door?

6 A. Yes, ma'am.

7 Q. And if this is that video, do you agree that it
8 fairly and accurately represents what you did with that
9 chair in the house on Kelsey Meadows?

10 A. Yes, ma'am.

11 MS. BARNETT: Your Honor, we would offer
12 State's Exhibit 672 to opposing counsel.

13 THE COURT: Any objections?

14 MR. SECREST: I have no objection.

15 THE COURT: State's 672 is admitted and
16 you may publish.

17 Q. (BY MS. BARNETT) Who is this person?

18 A. That's me, ma'am.

19 Q. And the chair that you have your hands on --

20 MS. BARNETT: May I approach the witness?

21 THE COURT: You may.

22 Q. (BY MS. BARNETT) Show you State's Exhibit 321.
23 Does the chair that you have your hand on in this photo
24 appear in this photo?

25 A. Yes, ma'am.

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1 Q. Which -- can you point it out?

2 A. It's the chair in the center of the picture,
3 but it's without the cover, like I said.

4 Q. So it's the same chair, but the cover is taken
5 off; is that right?

6 A. Yes, ma'am.

7 (Video playing.)

8 Q. (BY MS. BARNETT) What are you doing there?

9 A. I'm seeing if that chair is really lodged in
10 place.

11 Q. And was it?

12 A. Yes, ma'am.

13 Q. Let me first ask this: Do you know what all of
14 this is on the -- on the door?

15 A. That's print dust from where it was processed.

16 Q. All right. And was that done by Carpenter, as
17 far as you know?

18 A. Yes, ma'am, as far as I know.

19 Q. And do you know if this is the same thing on
20 the bottom?

21 A. Yes, ma'am.

22 Q. It's -- trying to dust for prints?

23 A. Yes, ma'am.

24 Q. What about here on the side of the door?

25 A. Powder, yes, ma'am. And as you can see when I

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1 pull the carpet in, I pull it off to the side so it
2 won't get caught in the door jamb.

3 Q. Do need I to go back a little bit?

4 A. Yes, ma'am.

5 Q. Does that show it?

6 A. I don't believe -- I don't believe you backed
7 up far enough.

8 Q. Okay.

9 A. A little more. There you go. See how it's
10 pushed over already? I grabbed and I pulled it to one
11 side so I don't get caught in the door.

12 Q. Oh, I see.

13 And that's also fingerprint powder, I can
14 assume, on the outside?

15 A. Yes, ma'am.

16 Q. Okay. Tell me about the closet door. Was that
17 a solid heavy wood door?

18 A. No. It's the standard here, hollow core door
19 you find in most houses.

20 Q. Okay. Did you -- what was your thought
21 about -- would you think that it would be something that
22 you could open easily or not?

23 A. I don't think I could have gotten the door open
24 without damaging it. The chair did lock it in place
25 very well.

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1 Q. All right. Do you think it could have been
2 forced open in any kind of way?

3 A. I think it could have been broken open.

4 Q. And what do you mean by that?

5 A. Hollow core doors aren't very strong. I've
6 seen children -- I've been in houses where children had
7 damaged hollow core doors.

8 Q. To the delight of their parents?

9 A. Yes, ma'am.

10 Q. All right. Is there anything else about that
11 experiment that I haven't brought up?

12 A. Not that I can recall.

13 MS. BARNETT: Pass the witness.

14 MR. SECREST: May I cross-examine? I
15 don't think it will take very long.

16 THE COURT: All right.

17 MR. SECREST: Thank you very much.

18 **CROSS-EXAMINATION**

19 BY MR. SECREST:

20 Q. Lieutenant McConnell, how are you doing?

21 A. Pretty good, sir. How are you?

22 Q. Have we ever met before?

23 A. No, sir.

24 Q. Okay. Let's be clear from the get-go that what
25 you just showed the jury is merely a theory, correct?

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1 A. Yes, ma'am -- yes, sir. I'm sorry.

2 Q. That's okay. We're all tired.

3 You have no evidence that in fact that
4 took place in the case, but it is a theory that shows
5 that it's possible that one could manipulate a piece of
6 fabric and bring the door under the knob, even though
7 you're inside, correct?

8 A. Yes.

9 Q. And you said initially you were kind of -- you
10 didn't understand how the sham got bunched up. You saw
11 it bunched up on the floor?

12 A. Yes, sir.

13 Q. And of course you don't know how it got bunched
14 up, right?

15 A. No, sir, I don't.

16 Q. And you do know, though, that family members
17 had been in the house, EMS had been in the house, other
18 folks had been in the house before you even got there,
19 right?

20 A. Yes, sir.

21 Q. Now, for your experiment to even work, it would
22 require, would it not that --

23 THE COURT: You can stand up, jury, if you
24 need to see better.

25 Q. (BY MR. SECREST) It would require, would it

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1 not, by definition that the back two legs, only way this
2 experiment could ever work, the back two legs have to be
3 on the sham, right?

4 A. Yes, sir.

5 Q. You agree? Only way I'm going to be able to
6 pull this backwards is if the sham is in between the
7 floor and the back two legs?

8 A. It could possibly be done with one leg. I --
9 we didn't test that.

10 Q. But okay. The way you test it, the way you saw
11 it, in order to bring the chair back, whether it's one
12 or two legs, the sham has to be under one or two legs,
13 right?

14 A. Yes, sir.

15 Q. Did you ever bother --

16 MR. SECREST: Y'all have a seat. Thank
17 you.

18 Q. (BY MR. SECREST) Did you ever bother to speak
19 with the eyewitnesses in this case who found the chair
20 in the condition it was when it was underneath the
21 doorknob?

22 A. No, sir, I didn't speak with any witnesses.

23 Q. Do you think for your theory to have a bit more
24 validity? It might be good to speak with eyewitness who
25 could attest to how they found the chair before they

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1 removed it in order for Sandy to get out of the closet?

2 A. Well, crime scene doesn't speak with witnesses,
3 sir.

4 Q. That's true. That's true, but in this case
5 this theory requires by definition that the chair's back
6 two legs have to be on that sham or one leg.

7 MS. BARNETT: Asked and answered. That's
8 been asked and answered.

9 THE COURT: Sustained.

10 Q. (BY MR. SECREST) Do you know whether or not a
11 sham was ever found in the closet?

12 A. I can tell you there wasn't one in there when I
13 was there.

14 Q. Well, that's right and I appreciate that
15 because you don't have a clue what was in the closet or
16 what was not because by the time you get there, other
17 people have already been in the house, right?

18 A. Other people had been in the house, yes, sir.

19 Q. By the way this tear in the sham, were you able
20 to effectively pull the chair to the doorknob of the
21 closet without tearing it?

22 A. Yes.

23 Q. So, you're not trying to suggest to the jury
24 that in order for this to work, some devious soul would
25 have to have torn the sham?

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1 A. No, sir. I'm just saying the tear lined up
2 with the door frame.

3 Q. Okay. But that doesn't establish at all that
4 in fact the sham was used in the way that you've
5 demonstrated in this theory, does it?

6 A. No, sir.

7 Q. Okay. Do you have any idea how this was
8 actually torn?

9 A. No, sir.

10 Q. Do you know how fresh these tears are?

11 A. No, sir.

12 Q. Was any analysis ever done of the sham?

13 A. I do not know that.

14 Q. Well, maybe you do know and --

15 THE COURT: Ms. Secrest, we do need to
16 stop for the day.

17 MR. SECREST: May I ask one question?

18 THE COURT: Yes.

19 Q. (BY MR. SECREST) One thing you do know, though,
20 this door, this chair under the doorknob clearly would
21 prevent you from leaving it unless you broke the door
22 down?

23 A. Yes, sir.

24 MR. SECREST: No further questions.

25 THE COURT: Thank you, Mr. Secrest.