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REPORTER'S RECORD
VOLUME IV OF V

TRIAL COURT CAUSE NO. F96-02380-N

THE STATE OF TEXAS) IN THE DISTRICT COURT OF
VS.) DALLAS COUNTY, TEXAS
CHRISTOPHER RADKE) 195TH JUDICIAL DISTRICT

APPEARANCES:

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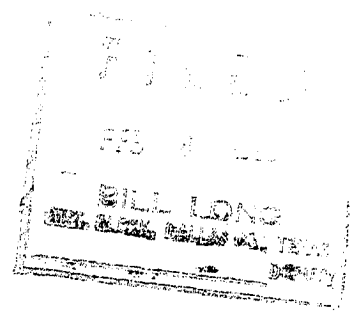
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APPEARING FOR THE DEFENDANT



COPY

On the 27th through 30th days of October, 1997,
that the above-styled and -numbered cause came on to be
heard in the said Court, HONORABLE JOHN NELMS, Judge
Presiding, and the following proceedings were held, to
wit:

PERI K. STROMBERG, CSR

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PERI K. STROMBERG, CSR

P R O C E E D I N G S

October 29, 1997

Dallas County, Texas

(Whereupon, these proceedings took place before Judge Nelms, as follows:)

THE COURT: Ma'am, you're still under oath.

SHERRI PARKER,
the witness hereinbefore named, being first duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, testified on her oath, as follows:

DIRECT EXAMINATIONBY MS. MCVEA:

Q. State your name for the Record, please.

A. Sherri Lynn Parker.

Q. Are you the same Sherri Lynn Parker that testified earlier in this cause?

A. Yes, ma'am.

Q. Since Diana Radke was your daughter, could you tell us whether she was right-handed or left-handed?

A. She was right-handed.

Q. Now, the Defendant was married to your

PERI K. STROMBERG, CSR

1 daughter for how long, approximately?

2 A. Almost two years.

3 Q. Almost two years. During that time did you
4 have occasion to observe him during different types of
5 activities, like writing or eating?

6 A. Yes, I did.

7 Q. Can you tell us, from what you observed, was
8 he right-handed or left-handed?

9 A. Chris is right-handed.

10 Q. Now, you testified previously that your
11 daughter had a child at the time of her death.

12 A. Yes, she did.

13 Q. And how old was that child at the time of your
14 daughter's death?

15 A. Sixteen months old.

16 Q. And his name was -- or is?

17 A. Zachary.

18 Q. Okay. Now, was Zachary there at the house on
19 the night of his mother's death?

20 A. Yes, he was.

21 Q. How do you know that?

22 A. From the police. They told me that he was in
23 his bedroom. But I also saw him outside with Chris's
24 parents in the car when we got there at the scene.

25 Q. Now, you said that you spoke to your daughter

1 the last time at approximately 8:15?

2 A. Um-hum, yes.

3 Q. And you said at that time you could hear your
4 grandson playing in the background?

5 A. Yes, I could.

6 Q. How did your daughter feel about your child?

7 A. She was crazy over him. She loved him very
8 much.

9 Q. Was he a source of happiness in her life?

10 A. Yes, he was.

11 MS. MCVEA: Pass the witness, Your
12 Honor.

13 MS. SHELTON: I don't have any
14 questions.

15 THE COURT: All right. Ma'am, you may
16 step down.

17 MS. MCVEA: State calls Tom Bevel.

18 THE COURT: Sir, did you take the oath
19 as a witness?

20 THE WITNESS: I have not, sir.

21 THE COURT: Please raise your right
22 hand.

23 (Witness sworn.)

24 THE WITNESS: I do.

25 TOM BEVEL,

PERI K. STROMBERG, CSR

1 the witness hereinbefore named, being first duly
2 cautioned and sworn to testify the truth, the whole
3 truth, and nothing but the truth, testified on his oath,
4 as follows:

5 DIRECT EXAMINATION

6 BY MS. MCVEA:

7 Q. Will you state your name for the Record, and
8 spell your last name for the Court Reporter.

9 A. Yes, ma'am. It is Tom Bevel, and that's
10 spelled B-e-v-e-l.

11 Q. Sir, what is your occupation?

12 A. I'm the owner of TBI, which is a consulting
13 and education company.

14 Q. Were you previously employed with a police
15 department?

16 A. Yes, ma'am. I served 27 years with the
17 Oklahoma City Police Department in Oklahoma City,
18 Oklahoma.

19 Q. Okay. And what was your range when you
20 retired, or did you retire?

21 A. Yes, ma'am. I retired approximately a year
22 and a half ago. I retired as a captain, and my
23 assignment at the time of retirement was person's
24 crimes: Homicide, robbery, missing persons, assault
25 cases, those areas.

PERI K. STROMBERG, CSR

1 Q. How many years experience do you have in
2 technical investigations?

3 A. Now approximately 23, 24.

4 Q. And when we speak of technical investigations,
5 what do we mean?

6 A. What we're referring to there is the
7 examination of a crime scene. Typically, the processing
8 photography, the measurements, the diagramming,
9 collection, finding the evidence, the preservation and
10 the analysis, thereof.

11 Q. Can you briefly discuss your educational
12 background and experience.

13 A. Okay. In the -- well, formerly, I have a BA
14 and an MA in college. In the police specialty areas,
15 the bloodstain pattern analysis area. The first 40-hour
16 course that I had was with Judy Hudson Buckner, which
17 was taught with the Orlando Florida Medical Examiner's
18 Office in Orlando, Florida. The next 40-hour course
19 that I had was at the Laboratory of Forensic Science in
20 Corning, New York. Then an additional 40-hour course,
21 again, in bloodstain pattern analysis, and that was at
22 the Corning College in Corning, New York. Additionally,
23 part of the study was done in London, England at
24 Scotland Yard. That was a six-week course. Then in
25 crime scene reconstruction, I have a month-long course

1 with the Central Police Institute in Oklahoma City,
2 which is a subsidiary of Oklahoma State University.
3 And, again, some others in that particular area.

4 Q. Do you belong to any professional societies
5 dealing with crime scene investigation?

6 A. Yes, ma'am. I'm the charter president for two
7 of those groups, one of them is the Association of Crime
8 Scene Reconstruction, and also the International
9 Association of bloodstain Pattern Analysts. I'm a
10 member of the Oklahoma division of the IAI, the past
11 president there, regional representative. I'm a member
12 of the International Association for Identification,
13 which is the national -- or actually international
14 chapter. I'm currently the regional representative and
15 on the editorial board of that particular group. I'm a
16 member of the American Academy of Forensic Science,
17 Southwest Association of Forensic Scientists, American
18 College of Forensic Examiners, and, again, some others.

19 Q. Have you written any articles or any books
20 with regard to -- well, have you written any articles
21 that have appeared in professional journals?

22 A. Yes, ma'am. I have approximately six articles
23 that have been published through peer review in
24 professional publications.

25 Q. Okay. Have you published anything else?

1 A. Yes, ma'am. I have a lab manual on bloodstain
2 pattern analysis and then also a book through CRC Press,
3 that the title of it is, Bloodstain Pattern Analysis,
4 subtitled: With an Introduction to Crime Scene
5 Reconstruction.

6 Q. Have you been accepted as an expert in a court
7 of law as a reconstruction expert?

8 A. Yes, ma'am, I have.

9 Q. Has the FBI referred any cases to you from
10 other agencies?

11 A. The FBI has referred approximately 11 cases
12 over the years, and then they also used me twice for
13 their cases that they were investigating.

14 Q. Has bloodstain pattern interpretation been
15 accepted in a court of law as a valid scientific
16 discipline?

17 A. Yes, ma'am, it has.

18 Q. Are there different types of bloodstain
19 patterns, and if so, please, explain.

20 A. Okay. Yes, ma'am, there are. One of the
21 first general areas that we try and identify in basic
22 categories is whether or not the blood is consistent
23 with a low or a medium or a high velocity occurrence.
24 And with that we're not talking about how fast the blood
25 is traveling in air, but rather the occurrence

1 separating it from the blood source.

2 Low velocity, by definition, is five feet per
3 second or less, usually associated with gravitational
4 pull. So if I had a cut on the end of my finger as the
5 blood is trying to adhere to the finger and as it is
6 building up in its actual weight, the gravity force is
7 trying to pull it away, and once it's able to overcome
8 the surface tension, which is what is actually holding
9 the blood onto the finger, it will break away and simply
10 fall straight downward. Normally, those will produce
11 about a 14- to 15-millimeter diameter bloodstain, if
12 they're falling from about the waist high or higher.
13 Generally, they will produce what is referred to as a
14 90-degree low velocity stain.

15 Once you get above the low velocity, you're
16 generally into the medium velocity range, or at the next
17 step. By definition, that is an occurrence separating
18 the blood from the blood source from five to 25 feet per
19 second, generally associated with a beating, in most
20 cases, such as, swinging an instrument or fist.

21 The next category is high velocity. This is
22 generally associated with firearms or high-speed
23 machinery. And we're talking about the way that the
24 blood actually looks. A very good rule of thumb is that
25 the greater the velocity separating the blood from the

1 blood source, the smaller the blood becomes.

2 And then there are a lot of subcategories in each
3 one of those.

4 Q. Okay. Such as?

5 A. For high velocity there is missing or atomized
6 blood, and then there is spatter, which is blood that is
7 above 1 millimeter in diameter.

8 For medium velocity you can have spatter; you can
9 have cast off stains, which is not too unusual, for
10 example, in a beating.

11 In the low velocity, you can have just simply
12 gravitational drops. You can have passive blood flows
13 due to gravitational pulling of the blood as it is
14 coming from the blood source. Blood pooling, blood
15 separation, serum separation, those sort of areas.

16 Q. What information can you obtain from studying
17 bloodstains at a crime scene?

18 A. You can generally identify some of the events
19 that occurred. And in some instances you can actually
20 sequence those, depending upon the bloodstains,
21 certainly, that are there.

22 Q. Can you determine number of blows or the
23 position of the victim at the time of an incident or
24 occurrence?

25 A. Yes, ma'am. You're able to tell the

1 directionality of the individual blow, the blood trail,
2 the position, quite frequently, of the victim at the
3 time that the blood was created. So, basically, as the
4 blood is found, you are able to include or exclude
5 certain possibilities of occurrences.

6 Q. How are you able to determine these type of
7 things?

8 A. Well, for example, in sequencing, if you have
9 somebody who is bleeding and leaving a blood trail, if
10 they pass through a door and they bleed on the
11 threshold, and then you find the door in a closed
12 position, well, obviously, the blood could not have
13 gotten underneath with the door in a closed position.
14 So that would be an example of sequencing. The person
15 that is bleeding going through the door, the door,
16 obviously, has to be open.

17 The minimum number of blows in a beating, as you
18 are swinging the instrument, once there is sufficient
19 blood present from the wound that is created, and it is
20 transferring in volume to the individual instrument,
21 either in the back swing or the forward swing, blood
22 will be cast off. And in identifying whichever is
23 greater in number, the back swing or the forward swing,
24 you will be able to identify a minimum number of blows
25 that would have been created in a beating.

1 Q. Mr. Bevel, did I contact you with regard to --
2 well, bloodstain evidence in this particular case?

3 A. Yes, ma'am, you did.

4 Q. Approximately, when did I do that?

5 A. In the beginning of August.

6 Q. Have you and I ever spoken or worked together
7 on any cases prior to that time?

8 A. No, ma'am.

9 Q. Have you ever worked for the Dallas County
10 District Attorney's Office before that date?

11 A. Yes, ma'am. The most recent case was in the
12 Darlie Routier case.

13 Q. Did I send you certain items for your review
14 with regard to this case?

15 A. Yes, ma'am, you did.

16 Q. What items did I send you?

17 A. There were 77 photographs, an autopsy report,
18 police reports, a 911 call, an interview with
19 Christopher Radke, and bloodstain angle impact
20 measurements done by a Texas Ranger.

21 Q. Okay. Did you actually go to the crime scene
22 located at 1001 Sunset in Garland, Texas?

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

24 Q. When did you do that?

25 A. That was on October the 27th, which would have

1 been Monday of this week.

2 Q. And was that home occupied by another family?

3 A. It was.

4 Q. Okay. As far as the layout of the house, and
5 since you've seen the crime scene photos, had anything
6 changed since the offense date?

7 A. The physical structure, no. Certainly there
8 was different furniture, but the physical structure
9 appeared to be the same as I had seen in the diagram and
10 the photographs.

11 Q. Okay. With regard to the bookcase, was that
12 the same?

13 A. Yes, ma'am.

14 Q. Okay. In fact, is that bookcase actually
15 built into the wall of the house?

16 A. That is correct.

17 Q. Now, from analyzing the photographs and the
18 other information that you were provided, were you able
19 to form an opinion as to the victim's position at the
20 time of the gunshot?

21 A. Yes, ma'am, I was.

22 Q. Now, you indicated that you reviewed the
23 interview with Christopher Radke.

24 A. That is correct.

25 Q. Had you not reviewed that information, would

1 your position -- well, would your opinion change --
2 would it change as to the victim's position?

3 A. As to the victim's position, it had no
4 bearing.

5 Q. And you did say that you were aware that a
6 Ranger took the actual bloodstain angle measurements,
7 did you not?

8 A. That's correct.

9 Q. There were only four measurements or four
10 strings that were pulled. Was that an adequate amount
11 in order to get a good interpretation in this instance?

12 A. It would be the minimum number. As long as
13 they are not from the same area, as long as they are
14 scattered throughout the bloodstain scene, certainly it
15 would be adequate. It is the bare minimum, however.

16 Q. Now, you indicated that you were able to form
17 an opinion as to the victim's position at the time she
18 was shot in this particular case.

19 A. Yes, ma'am.

20 Q. Okay. What was her position at the time she
21 was shot?

22 A. The -- because the -- there is width to the
23 head -- what I'm talking about is the front of you of
24 the face. The front of you of the face would be
25 approximately 25 inches up from the floor or lower.

1 Q. And that's taking into consideration the width
2 of her head?

3 A. Yes, ma'am. Which would -- if you include the
4 width of her head, that is making the back of the head
5 closer to the floor than the 25 inches.

6 MS. MCVEA: Can I have the witness step
7 down for a moment.

8 A. (Witness complies.)

9 Q. (By Ms. McVea) Mr. Bevel, I'm showing you
10 what's been admitted into evidence as State's Exhibit
11 No. 55. Are you familiar with that photograph?

12 A. I am, ma'am.

13 Q. Can you go ahead and describe for the Court
14 the type of blood spatter that's depicted here in this
15 photograph?

16 A. Yes, ma'am. The blood that is on the front of
17 you of the built-in bookshelf is consistent with what
18 you would typically find from a gunshot. There are a
19 great number of stains that are very difficult to see --
20 in fact, I actually got a magnification out to even look
21 at this photograph -- that are approximately 1
22 millimeter and less, and then you have those that are
23 larger. You can see some directionality with what's
24 there, and also, certainly, some much larger stains than
25 the

1 1 millimeter.

2 Q. Now, you said that the victim's position had
3 to be approximately 25 inches between the floor -- I
4 mean, from the floor; is that what you said?

5 A. To the top portion of her face, yes.

6 Q. If we were using this bar here in front of you
7 of the Jury Box, approximately, and using this as a
8 reference as if it was the bookshelf --

9 A. Yes, ma'am.

10 Q. -- could you tell us approximately where her
11 head was at the time of the gunshot?

12 A. Okay. Her head would have been
13 approximately -- in other words, the top portion of her
14 face about in this area where my finger is. And the top
15 of the first shelf of the bookcase is located at this
16 location, so approximately right here.

17 Q. Okay. What is that location -- the
18 measurement, the top shelf of the bookcase?

19 A. It is 19 inches off the floor.

20 Q. Okay. And just for a reference, and we're
21 looking at State's Exhibit No. 55, what area are we
22 talking about?

23 A. Okay. The 19 inches would be right up to the
24 top edge of that first shelf, and then, obviously, the
25 25 inches would be above that.

1 Q. Okay. So using -- well, so her head had to be
2 in this position here?

3 A. Approximately in that position or a little bit
4 lower.

5 Q. Okay.

6 A. But that would have been -- the greatest
7 distance would have been approximately 25 inches.

8 Q. Now, was she in a reclining position or
9 sitting on her buttocks?

10 A. She would likely be actually between sitting
11 on her buttocks and an upright position; and certainly
12 she cannot be in a prone position, so she is somewhere
13 in between those two areas.

14 Q. You can go ahead and have a seat.

15 A. (Witness complies.)

16 Q. Mr. Bevel, what do you base your opinion on?

17 A. Several things. One, there are bloodstains
18 that are angular that are on the top shelf -- or excuse
19 me, the bottom shelf, as we're actually looking at it.
20 The top of the bottom shelf. Those elongated
21 bloodstains cannot get there with the victim having been
22 shot in a position that is lower than that particular
23 shelf. The head has to be at least -- the front of you
24 of the face has to be at least that position of about 19
25 inches.

1 And then when you start considering the other
2 bloodstains that they did string, giving a margin of
3 error for what was shown there, the range has to be
4 somewhere within about 25 inches up from the floor or
5 below. If you start getting much above the 25 inches,
6 then the bloodstains that are landing on the top of the
7 bottom shelf end up changing there angularity.

8 And also, if you look at the front of you of the
9 bottom portion just below the front of you shelf, the
10 bloodstain that is located at that particular position
11 also helps. As you become lower, you get more of the
12 blood that would be underneath the shelf. As you become
13 higher, you're able to actually clear that area and then
14 get the blood where it is located on the various parts
15 of the bookshelf.

16 Q. Did you examine any other items in connection
17 with this case?

18 A. Yes, ma'am. I looked at a pair of shoes and a
19 pair of Levi jeans that were green in color.

20 Q. When did you examine these items, and where
21 was that done?

22 A. That was also done on October the 27th of this
23 week. So, in other words, I examined the scene itself
24 and also left from the scene and went over to
25 S.W.I.F.S., Southwest Institute of Forensic Science,

1 where these items were located and examined there at
2 their lab.

3 Q. Did you notice any blood spatter on the shoes?

4 A. Yes, ma'am. There were two stains towards the
5 front of you toe area, and that would have been on the
6 right shoe. Both of these stains were approximately
7 1 millimeter in diameter, as far as the actual size.

8 There was also an area that had been cut out
9 that -- from a photograph you were able to identify as
10 being a transfer. In other words, the shoe came in
11 contact with a bloody object, and the bloody object
12 transferred blood onto the shoe, with a little bit of
13 lateral movement. That was pretty much -- pretty much
14 what was on the shoes that I was able to see at the
15 lab.

16 Q. Okay. I'm showing you what's been entered
17 into evidence as State's Exhibit No. 75. Are these the
18 shoes that you examined there at S.W.I.F.S. on the 27th
19 of October?

20 A. They are, yes, ma'am.

21 Q. Okay. And when you were talking about
22 transferred blood on the left shoe, is that the area
23 that was cut out here?

24 A. That is correct.

25 Q. Okay. By the way, what other areas here on

1 the shoes did you notice blood spatter?

2 A. Okay. On the right shoe, there's an area that
3 is immediately along the edge where the black rubber
4 ends up coming in contact with the brown material for
5 the shoe that is in this location, and there is one
6 immediately to the side of it that is almost to the
7 front of you toe that is in this location.

8 Q. Okay. How are you able to tell that? This is
9 kind of difficult with the naked eye.

10 A. You can see them with the unaided eye. You
11 kind of have to get the light just right. But I looked
12 at these with magnification, and also with cross
13 lighting, and the magnification was with a red cool
14 included in the magnification.

15 Q. Now, you said that you examined the jeans
16 that -- well, the Defendant's jeans, did you notice any
17 blood spatter on those jeans?

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

19 Q. Okay. Where did you notice and what type?

20 A. They're in multiple places. The primary area
21 would be the front of you left leg, and that's from an
22 area at approximately the upper portion of the waist, or
23 just below the waistband, actually, going all the way
24 down to the cuff on the left side of the jeans. There
25 are 12 individual stains there, and they range in size

1 from a 0.3 millimeter all the way up to a 3 millimeter.
2 Then if you go to the other leg, which, again, we're
3 still looking at the front of you of the jeans, there's
4 two additional stains, and they range in size from 1 to
5 a 0.8 millimeter. On the back side of the jeans, on the
6 left lower, there is a stain that's over towards the
7 side that is a 1-millimeter size. And then if you go to
8 the right side, the upper back, which is the back
9 pocket, there's a stain that is a 7-millimeter size. So
10 there's a total of 16 individual stains on the pants
11 themselves.

12 Q. I'm showing you what's been entered into
13 evidence as State's Exhibit No. 76. Are these the jeans
14 that you examined at S.W.I.F.S.?

15 A. That is correct, ma'am.

16 Q. Okay. And do they contain on them the stains
17 that you were referring to?

18 A. They do.

19 Q. Go ahead and step down.

20 A. (Witness complies.)

21 Q. Can you go ahead and identify the stains and
22 the type of stains that's depicted here on these jeans?

23 A. Yes, ma'am. The larger stain, with the
24 3 millimeter, is up in this area just below the top
25 waistband, and it is marked with an X outlining the

1 area.

2 Then there is a 2-millimeter stain immediately
3 below it, again, marked in black, felt-tip pen below the
4 first one that's 3 millimeters.

5 Coming down, a large area was cut out here, and
6 that was tested for blood.

7 The next stain is a 1.5 millimeter just below the
8 cutout area that was tested.

9 The next one is, again, below that, which is a 1
10 millimeter.

11 Coming down to just above the knee, we have a
12 1 millimeter at this location, again, outlined with a
13 felt-tip pen.

14 We have a 0.5 and a 0.8 side by side marked, again,
15 with a felt-tip pen.

16 A 1.8 millimeter that we're getting close to the
17 knee area.

18 The one below that is a 1.5 millimeter, then a
19 2 millimeter, a 2.5 millimeter; and then as we're going
20 below the jeans, we have a 0.5.

21 And then towards the cuff, a 1 millimeter, and then
22 a control that was cut out that does not have blood on
23 it.

24 On the opposed side, which is now the right leg, we
25 have an area -- I believe, it's going to be just below

1 the knee -- where we have a 1 millimeter, a
2 0.8 millimeter, and another area here that was
3 presumptively not positive for blood.

4 And then on the back, the large area is a
5 7 millimeter that obviously has something else mixed
6 with the blood, probably tissue. And then actually
7 these are being worn. This is somewhat to the side, but
8 it shows to be in the back, and that's a 1 millimeter
9 that is on the back of the left leg.

10 Q. Now, is this described as mist -- is this type
11 of bloodstain described as misting or spatter?

12 A. Well, there's two different divisions there,
13 actually. That that is less than 1 millimeter is
14 identified as either mist or atomized. That that is
15 above 1 millimeter is typically referred to as spatter.
16 In a high velocity occurrence, however, you don't have
17 just mist and you don't have just the larger stains, you
18 have a combination of varying sizes.

19 What we have there is consistent with a high
20 velocity occurrence, or the gunshot, but they are
21 varying sizes.

22 Q. Okay. You can have a seat.

23 A. (Witness complies.) This fell out, so I'm
24 just going to put it back in.

25 Q. Okay. Now, the measurements of these

1 bloodstains, did you actually do that, or was that
2 someone there at S.W.I.F.S.?

3 A. No, I did not measure the bloodstains at the
4 scene. The ones on the pants, now, I did measure those,
5 yes.

6 Q. Okay. Was that also done with an employee of
7 S.W.I.F.S.?

8 A. Serologist, Kathy Long, had also measured
9 those, yes.

10 Q. Okay. Now, looking at the pants with an
11 unaided eye, it's difficult to see the bloodstains. How
12 are you able to make that determination?

13 A. The larger ones you actually can see with the
14 unaided eye, but as you start approaching 1 millimeter
15 and less, it is quite difficult to see anything there.
16 I used what is referred to as a micromite, which is a
17 magnifying device that -- with a red cool -- that's
18 divided into one-tenth of 1 millimeter range. With
19 oblique lighting using the magnification, you are able
20 to see them without much difficulty at all.

21 Q. And also what else aided you in the
22 determination? Was a scientific test done on those
23 bloodstains?

24 A. The larger stains, there was a test done
25 confirmatory for blood. On some of the smaller stains,

1 just a presumptive test for blood.

2 Q. Now, you describe the blood spatter on the
3 shoes and on the jeans. What does that indicate to you?

4 A. The stains that are on the shoes and the
5 jeans, in conjunction it being worn by the same person
6 at the time of the occurrence, that is consistent with
7 the wearer being in a close proximity at the time of the
8 shooting, and they are certainly consistent with a high
9 velocity occurrence.

10 Q. Have you ever -- well, the blood spatter on
11 the jeans is mostly concentrated on the left leg; is
12 that right?

13 A. That is correct.

14 Q. Have you ever worked in cases in the past
15 where you've seen this type of blood spatter on a
16 suspect's pants?

17 A. Yes, ma'am. I've had a number of cases in the
18 past where the stains appeared basically in the same
19 distribution, same size, and specifically on one leg or
20 the other.

21 Q. Were you able to make -- establish with
22 reasonable certainty, or a reasonable amount of
23 scientific certainty, what had occurred in those cases?

24 A. In several of those cases, yes, ma'am, we
25 were.

1 Q. And can you go ahead and tell us what had
2 occurred.

3 A. Whenever you have a person that is firing a
4 firearm, whether it's a long rifle, or especially when
5 you get into a shotgun, typically the -- if they are
6 right-handed, the right leg will go back, and the left
7 leg will go forward. If they are left-handed, it's just
8 the opposite. The left leg will go back, and the right
9 leg will go forward. And the leg that is closest to the
10 blood source upon the impact will receive the greatest
11 majority of the individual bloodstains.

12 Q. Okay. If we had a victim and a suspect who
13 are involved in some type of hand -- close hand-to-hand
14 struggle over, for example, a weapon, okay, or a
15 shotgun, what type of spatter would you expect to get on
16 the suspect?

17 A. There are a lot of variables there, but if
18 they are in fairly close proximity, one to the other --
19 and, again, the victim's position ends up becoming quite
20 critical. If they are standing and they're fairly
21 close, the majority of the stains should be on the upper
22 torso, for example, the chest and shoulder area, again,
23 with that close proximity.

24 As you start getting farther away, then the
25 bloodstains, one, will become larger because the smaller

1 misting stains are overcome by air. And they will
2 generally go in a normal environment, such as this
3 Courtroom, about 46 inches in maximum, horizontal
4 distance. Now, what you will have, typically as they
5 get farther away, the bloodstains that actually reach
6 the clothing will become larger than the misting stains;
7 and those stains that are misting, typically will be
8 lower down. What is occurred is they are traveling
9 through air, air is resisting their flight path,
10 gravity, of course, is pulling them down, and they end
11 up doing kind of a parabolic arc. And if they land on
12 the target, for example, the jeans, then typically they
13 will be lower.

14 Q. What if there was a struggle between a victim
15 and a suspect over, let's say, a shotgun, and the two of
16 them were in the process of falling to the floor, or to
17 the ground, when the gun goes off, what type of spatter
18 would you expect to find on the suspect's clothing?

19 A. Again, we have to identify the distance
20 between the two players. The closer you are, the more
21 of the bloodstains, again, if the shot is to the face,
22 and, again, if they are face-to-face in the struggle.
23 Then the majority of the stains will typically be at
24 approximately the head/chest area of the person who is
25 not receiving the gunshot. The closer you are, the

1 fewer of them you would expect to find in a lower
2 location, for example, the front of you of the pants or
3 the shoes. The farther away you get, the greater that
4 possibility increases where you can actually get them
5 lower.

6 Q. Now, the spatter that you found in this
7 particular case with regard to the victim's position at
8 the time of the occurrence and the spatter that you
9 indicated on the Defendant's pants and shoes, is that
10 spatter consistent or inconsistent with a struggle
11 resulting in a fall when the occurrence --

12 A. Again, we have to identify where the two
13 people are located. It is consistent with the victim on
14 her buttocks in a semi-reclined position with the wearer
15 of the jeans in an upright position next to the victim
16 at the time of the shooting. The possibility, if we can
17 get them in, again, the approximate position that I just
18 described from a struggle, if that's how the position
19 ends up, then I can't say that's impossible.

20 Q. What you have determined here on the blood
21 spatter concerning the victim's position and the spatter
22 on the Defendant's clothing and shoes, what scenario is
23 more consistent with your findings?

24 A. The victim on her buttocks in a semi-reclined
25 position with the front of you of her face approximately

1 25 inches up from the floor, or possibly lower, with the
2 person wearing the jeans to her left side -- and that
3 would be her right side if we're looking at her in a
4 down position from the feet toward the head. But her
5 left side, in an upright position with the left leg
6 forward receiving the greatest percentage of the
7 bloodstains.

8 Q. Can you step down for a moment?

9 A. Yes, ma'am.

10 Q. Why don't you go ahead and demonstrate, for
11 example -- and I'll take the role of the victim and you
12 can be the suspect -- what do you think is the most
13 probable --

14 A. Just to demonstrate, we have looked at it, and
15 the shotgun is empty. Okay.

16 Q. Okay. Why don't I get on this side.

17 A. First, we're going to have to identify
18 approximately 25 inches for the top portion of your
19 head, so you're going to have to come down. Okay. It's
20 pretty close to right in there and to her left side,
21 and, again, the left leg forward, this certainly would
22 be a consistent occurrence here. And, of course, the
23 end of the shotgun has to be fairly close in contact
24 with the face.

25 Q. So the victim would have to either be trying