

1 MR. WALSH: Pass the witness.

2 MR. HIGGINBOTHAM: No further questions,
3 Your Honor.

4 THE COURT: All right. May the witness
5 be excused?

6 MR. WALSH: Yes, sir.

7 MR. HIGGINBOTHAM: Yes, Your Honor.

8 THE COURT: You're excused. Thank you.

9 THE WITNESS: Thank you.

10 (The witness, Dale Stobaugh, was excused.)

11 MR. WALSH: Call Danny Carter.

12 THE COURT: Have you been previously
13 sworn?

14 THE WITNESS: No.

15
16 DANNY CARTER,

17 being called as a witness on behalf of the State and
18 after having been duly sworn, was examined and testified
19 as follows:

20 DIRECT EXAMINATION

21 BY MR. WALSH:

22 Q Would you state your name.

23 A My name is Danny Carter.

24 Q How are you employed?

25 A I'm a latent print examiner for the Texas

1 Department of Public Safety Laboratories
2 headquartered in Austin.

3 Q How long have you been employed in that capacity?

4 A Eleven years.

5 Q What are your duties pertaining to your job?

6 A We accept evidence which has been turned over to us
7 by different police departments and sheriffs'
8 offices throughout the State of Texas for the
9 purpose of examining that evidence for prints,
10 either by using chemicals or powders which try to
11 develop these prints off of the evidence. Then if
12 any prints are developed, we will compare these
13 prints with a list of suspects furnished by those
14 officers. If the officers do their own processing,
15 we will accept the prints that they have developed,
16 make a comparison and render an opinion on the
17 comparison.

18 Q What sort of training have you had that qualifies
19 you to hold the position you hold?

20 A Prior to going into the Latent Print Section, I
21 worked on the fingerprint line a little over two
22 years, in that job where we received fingerprint
23 cards from arrests throughout the State of Texas
24 for the purpose of searching those cards by their
25 fingerprints through the files in an attempt to

1 establish a prior arrest.

2 After leaving that section and going into
3 the Latent Print Section, I spent several weeks in
4 DPS Fingerprint School pertaining to latent prints.
5 I went to several schools put on by the FBI in
6 Quantico, Virginia, dealing in latent fingerprint
7 matters. I am a certified latent examiner,
8 certified by the national organization of people
9 who deal in identification work. I am also a
10 certified instructor with the DPS Academy dealing
11 with fingerprint classes.

12 Q How many of you form the fingerprint department in
13 which you're involved in for the DPS?

14 A A supervisor and two examiners.

15 Q Do you all work interchangeably on cases?

16 A Yes.

17 Q Do you testify in cases concerning work that
18 another examiner may have done?

19 A All of the work is initialed by two examiners.

20 Q What I'm first interested in is, were you employed
21 by the DPS in the capacity of a fingerprint
22 examiner in that section back in October of 1979?

23 A Yes.

24 Q Did anyone from the Department of Public Safety
25 attempt to fingerprint an unidentified lady on

1 November the 1st of 1979 at the Brackenridge
2 Morgue?

3 A Yes.

4 Q Who was that done by?

5 A Harold Hoffmeister, my supervisor.

6 Q Do the records in that case indicate whether he was
7 successful in lifting any latent prints from that
8 body?

9 A The records reflect his results, yes.

10 Q Were any latent prints obtained from her body?

11 A No.

12 Q Turning next to -- I think it's sitting in front of
13 you -- State's Exhibit 14, the matchbook. Do you
14 recognize that exhibit?

15 A Yes.

16 Q When did you come in possession of that exhibit?

17 A It was submitted to the Latent Prints Sections on
18 January the 17th, 1984.

19 Q Was that by Officer Glazer of the Williamson County
20 Sheriff's Department?

21 A Yes.

22 Q At some time did the lab mail this matchbook back
23 to the Williamson County Sheriff's Office?

24 A We mailed it by certified mail back to the
25 Sheriff's Office in Georgetown.

1 Q Did you attempt to develop any latent prints off of
2 that exhibit?

3 A Yes, sir, I did.

4 Q Let's back up just a minute, and I've talked about
5 a latent print before. What is the difference
6 between a latent print and an inked fingerprint?

7 A A latent print, the word "latent" means unseen,
8 needing some method to develop it so it can be seen.
9 When we process an item for latent prints, we
10 either use powders or chemicals, depending on the
11 type of material we're working with, in an attempt
12 to develop the print so it can be seen and examined.

13 An inked print is where ink is placed on
14 the first joint and part of the second joint of
15 each finger and rolled from nail to side of nail on
16 a white card, for the purpose of recording the
17 prints on the first and second joints of the
18 fingers.

19 Q Okay. Now back to the question. Did you attempt
20 to develop some latent prints off of that exhibit?

21 A Yes.

22 Q Would you tell the jury what procedures and process
23 you used to attempt to do this?

24 A In dealing with evidence of paper or cardboard, we
25 use a chemical called anhydrin. Anhydrin reacts to

1 certain parts of the perspiration secreted from the
2 sweat pores on the ridged portions of the skin.
3 When the chemical is sprayed on the cardboard or
4 paper, it is allowed to set for 24 hours. After 24
5 hours we examine it. If any prints appear, they
6 will come up in a pinkish-purplish color. If the
7 prints don't come up or we're not satisfied with
8 the quality, we will respray it, let it set for an
9 hour or two and apply heat to it with a steam iron.
10 Then anhydrin will in some cases react stronger if
11 heat is applied to it, and that's why we use a
12 steam iron.

13 Q Were you able to develop any latent prints from
14 that exhibit?

15 A No.

16 Q You described this process that you went through in
17 attempting to do so. Did that process alter the
18 appearance of that exhibit?

19 A Yes.

20 MR. WALSH: Pass the witness.

21
22 CROSS-EXAMINATION

23 BY MR. HIGGINBOTHAM:

24 Q Sir, I am Don Higginbotham. I need to ask you a
25 few questions.

1 In what manner does the process alter the
2 appearance of that exhibit?

3 A By a pinkish color from the chemical reaction just
4 reacting to the paper. Also, it will in some cases
5 cause the ink to run or to smear. The process of
6 running the iron over the evidence in some cases
7 tends to dirty or discolor the evidence that we are
8 using.

9 Q Does it have a tendency to fade the print?

10 A Does the iron have a tendency to fade the print?

11 Q Does any of your processes that you use have a
12 tendency to fade the print?

13 A Are you talking about a fingerprint or the print
14 on --

15 Q The print on the matchbook we're talking about.

16 A The ink print.

17 Q Yes, sir.

18 A Not so much fade it. In some cases, anhydrin will
19 cause the ink to run or smear.

20 Q Okay. This is purely an informational question.
21 Well, assuming that that matchbook had prints on it
22 four and a half years ago, assuming further that it
23 was placed in a zip-lock type of plastic bag, which
24 I think that is, would those prints still be there?

25 A It is possible the prints could be raised after

1 that length of time, yes.

2 Q Were any prints at all raised from that matchbook?

3 A No.

4 Q What would cause an inability not to be able to
5 raise prints from that matchbook?

6 A First of all, the chemical anhydrin specifically
7 reacts with the amino acids from perspiration
8 from the skin. If the person has a small amount of
9 amino acids or no amino acids, the anhydrin would
10 not react at all. That's most of the times in
11 cases where we don't develop prints. In other
12 cases, it could be the condition or weather around
13 the item when it was handled, the condition of the
14 hands, or even if it was handled.

15 Q Would the fact that that matchbook may have been
16 out in the elements for a period of time after it
17 had been handled, would that keep you from being
18 able to lift latent prints off of it?

19 A If it was out in the weather, it would affect the
20 quality or whether or not we got prints off of it,
21 yes.

22 Q Would sunlight prevent you lifting prints?

23 A Sunlight would be a factor in the quality of print
24 we developed.

25 Q Dew and that sort of thing, in other words, the