

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