

1 of justice is, at least in my experience has been a
2 courteous person. I'll assume for the moment that you
3 misheard her and I will assume that all Counsel will
4 conduct themselves with decor and properly in trial
5 because that would be just a horrible crisis to pay for
6 all of you if you don't. So, shall we do this and try
7 to stay on schedule.

8 (Counsel returned to the trial tables and
9 the following ensued:)

10 THE COURT: Objection was sustained.

11 BY MR. URICK:

12 Q Mr. Bianca, are Defense attorneys free to
13 make request of you to analyze items?

14 MS. GUTIERREZ: Objection.

15 THE COURT: Overruled.

16 MR. BIANCA:

17 A Yes. In fact, we received -- I've received
18 some personally.

19 BY MR. URICK:

20 Q As of today, December 10th, 1999 has any
21 request come from the Defense to analyze any of these
22 items?

23 MS. GUTIERREZ: Objection.

24 THE COURT: Overruled.

25 MR. BIANCA: No.

1 MR. URICK: No further questions.

2 THE COURT: Cross.

3 RE-CROSS EXAMINATION

4 BY MS. GUTIERREZ:

5 Q Do defense attorneys have any obligations to
6 make any request to analyze any piece of evidence
7 against their clients, Mr. Bianca?

8 MR. URICK: Objection.

9 THE COURT: Overruled.

10 MR. BIANCA: I'm not a lawyer.

11 MS. GUTIERREZ: Thank you.

12 THE COURT: Good day, sir. Thank you very
13 much.

14 MR. BIANCA: Your welcome.

15 MR. URICK: May Counsel approach, Your Honor?

16 THE COURT: Yes.

17 (Counsel approached the bench and following
18 ensued:)

19 THE COURT: Marianne, can you get those bar
20 stools here so Counsel can get --

21 MS. GUTIERREZ: With wheels, with wheels.

22 MR. URICK: Your Honor, may the witness be
23 excused?

24 THE COURT: Yes, good day, sir. Okay. Here
25 we are again.

1 MR. URICK: We've gotten through five
2 witnesses, we're rolling very quickly. We haven't the
3 witness, but I'm not certain how long it will take.

4 THE COURT: Lets get this out of the witness
5 shall we?

6 (Counsel returned to the trial tables and
7 the following ensued:)

8 MR. URICK: If I may have the Court's
9 indulgence for just a second.

10 THE COURT: Yes.

11 MR. URICK: If I may continue to have the
12 Court's indulgence for just a second.

13 THE COURT: Yes, sir. State call it's next
14 witness please.

15 MR. URICK: Thank you, Your Honor. At this
16 time the State would call Romano Thomas to the stand.

17 THE CLERK: Please stand and raise your right
18 hand.

19 ROMANO THOMAS,

20 a witness produced on call of the State, having first
21 been duly sworn, was examined and testified as follows:

22 THE CLERK: You may be seated. Please speak
23 into the microphone, keep your voice up. For the
24 record state your name and your assignment.

25 MR. THOMAS: My name is Romano Thomas, I'm

1 assistant supervisor with the mobile crime lab unit,
2 Baltimore Police Department.

3 DIRECT EXAMINATION

4 BY MR. URICK:

5 Q Good afternoon, Mr. Thomas.

6 MR. THOMAS:

7 A Good afternoon.

8 Q What is the mobile unit for the crime lab?

9 A The mobile unit is a specialized unit that
10 responds to crime scenes to photograph, document,
11 package and recover evidence.

12 Q And how long have you been employed by the
13 Baltimore City Police Department?

14 A Six years.

15 Q And what have your duties been during that
16 time?

17 A During that time, the first three years I was
18 assigned to the mobile unit classified as a crime lab
19 technician I in which I responded to various crime
20 scenes, crimes against persons and also property crimes
21 as well including burglaries. The past three years
22 I've been employed with the police department in the
23 mobile unit as an assistant supervisor.

24 Q And drawing your attention now to February
25 the 9th of 1999. Did you have occasion to respond to

1 the 4400 block of Franklin Town Road which is in
2 Lincoln Park in the city of Baltimore, State of
3 Maryland?

4 A Yes, sir I did.

5 Q What duties were you performing on that date?

6 A On that date I was performing supervisory
7 duties during that time.

8 Q And upon your arrival what did you observe?

9 A Upon my arrival there were several detectives
10 who were already present at the scene scouring the
11 crime scene for evidence. Upon my arrival they
12 directed me to what we believed to have been at that
13 time a human body that was buried.

14 Q If I may approach the witness at this time,
15 I'm going to ask him to examine what have been marked
16 for identification purposes as State's Exhibits 9 and
17 10 and 11.

18 (State's Exhibits No. 9, 10 &
19 11 was marked for
20 identification.)

21 THE COURT: Yes you may.

22 BY MR. URICK:

23 Q You want to take a few moments and examine
24 those items.

25 MR. THOMAS:

1 THE COURT: Yes it may.

2 MR. URICK:

3 Q If you would please would you hand that
4 exhibit to the woman to your right there so she can
5 pass it around. Please look now at State's Exhibit 10.
6 Can you identify those photographs?

7 MR. THOMAS:

8 A Yes, sir I can.

9 Q What do those represent?

10 A These photographs represent closer -- closer
11 photographs of the area where we believed the body was
12 found.

13 Q Do they fairly and accurately depict the
14 scene as you found it that day?

15 A Yes, sir they do.

16 MR. URICK: Would offer State's Exhibit 10,
17 the exhibit of photographs.

18 THE COURT: Without objection State's 10 is
19 admitted.

20 (State's Exhibit No. 10, previously
21 marked for identification, is
22 received into evidence.)

23 MR. URICK: I would ask that it be published
24 to the jury at this time.

25 THE COURT: It may be published.

1 A Okay.

2 Q Have you had a chance to examine the
3 exhibits?

4 A Yes, sir I have.

5 Q If you would please first find the one that's
6 marked as State's Exhibit 9.

7 A Okay.

8 Q Can you identify that exhibit?

9 A Yes, sir. These appear to be overall
10 photographs of the area, 4400 block of Franklin Town
11 Road.

12 Q And do those fairly and accurately depiction
13 the -- depict the scene as you saw it that morning?

14 A Yes, sir.

15 Q Or that afternoon rather.

16 A Yes, sir they do.

17 MR. URICK: We would offer State's Exhibit 9,
18 the photographs.

19 THE COURT: Without objection State's 9 is
20 admitted.

21 (State's Exhibit No. 9, previously
22 marked for identification, was
23 received into evidence.)

24 MR. URICK: May that exhibit be published to
25 the jury at this time?

1 BY MR. URICK:

2 Q And can you identify what's in State's
3 Exhibit 11?

4 MR. THOMAS:

5 A Yes, sir. These are close up photography
6 shots of the victim as we were unearthing her.

7 Q And do they fairly and accurately depict the
8 disinterment of the body on that date in question?

9 A Yes, sir they do.

10 MR. URICK: Would offer State's Exhibit 11 at
11 this time, the photographs.

12 THE COURT: Without objection State's Exhibit
13 Number 11 is admitted.

14 (State's Exhibit No. 11, previously
15 marked for identification, was
16 received into evidence.)

17 MR. URICK: Now --

18 THE COURT: And it may be published.

19 MR. URICK: Mr. Mack, do you have the other
20 photographs at this time? The ones of the car. No,
21 the ones of the items in the car. There should be
22 another one too.

23 THE COURT: Fourteen and 15.

24 BY MR. URICK:

25 Q Mr. Thomas, these are already in evidence,

1 but I'm going to ask you to take a look at them anyway.
 2 MR. THOMAS:
 3 A Okay. Okay.
 4 Q Do you recognize those?
 5 A Yes, sir I do.
 6 Q Drawing your attention to February -- on or
 7 about February 28th of 1999, did you have occasion to
 8 respond to headquarters at which time the vehicle was
 9 being processed?
 10 A Yes, sir.
 11 Q What was your duties on that date?
 12 A My duties on that date was supervisory.
 13 Q On both dates in question was all evidence
 14 that was seized, seized in your presence?
 15 A Yes, sir it was.
 16 Q And was it packaged in your presence?
 17 A Yes, sir.
 18 Q Now, what is an offense report number?
 19 A I'm sorry. What was that again?
 20 Q What is an offense report number?
 21 A An offense report number is a central
 22 complain number that's used with the Baltimore City
 23 Police Department.
 24 Q And was this incident involving the body in
 25 Lincoln Park given an offense report number or a

1 BY MR. URICK:
 2 Q Have you had a chance to examine that?
 3 MR. THOMAS:
 4 A Yes, sir.
 5 Q And can you identify that object or objects?
 6 A This appears to be a map that was recovered
 7 from the vehicle on the 28th of February of '99, same
 8 case.
 9 Q If you look at the photographs, do you see an
 10 object in the photographs?
 11 A Yes, sir I do.
 12 Q And you actually have two objects, don't you?
 13 A Yes, sir that would be correct.
 14 Q And what is the item on top?
 15 A The item on top is one particularly case that
 16 was torn out of the map in question.
 17 Q And do you see the map book on these
 18 pictures?
 19 A Yes, sir I do.
 20 Q Where was the map book?
 21 A The map book itself was located in the rear
 22 seat of the vehicle.
 23 Q And do you see the page that was torn out?
 24 A Yes, sir.
 25 Q And where was that?

1 central complaint number?
 2 A Yes. Yes, sir. One was generated at the
 3 time of the original crime scene.
 4 Q And what was that number?
 5 A That number would be 998B, boy, 05801.
 6 Q And all further reports and evidence is
 7 referenced back to that number, is that correct?
 8 A Yes, sir that is correct.
 9 Q Now, what is the evidence control unit?
 10 A The evidence control unit is a section that's
 11 within the basement of the headquarters building. That
 12 is where all evidence that is seized not only
 13 throughout the crime lab, but police officers
 14 throughout the city submit all evidence.
 15 Q And what is a property control number?
 16 A A property control number is a number that's
 17 issued by the evidence control unit to identify
 18 property that's recovered from different individuals.
 19 Q Now, if I may approach the witness at this
 20 time? I'd ask you to examine that object and see if
 21 you can identify it.
 22 THE COURT: Is there an evidence number?
 23 MR. URICK: There's no number attached to it
 24 yet, I --
 25 MR. THOMAS: Okay. Okay.

1 A Again it was also located in the rear of the
 2 vehicle.
 3 Q At this time I'd ask is there -- if I may
 4 just for the jury's information. How is paper
 5 processed when it's seized?
 6 A Generally, when paper is seized by one of our
 7 units it's sent to our latent crime unit in which it is
 8 processed in a different manner other then the normal
 9 fingerprint powder which is a bi-chromatic powder.
 10 Q And has that paperwork been processed?
 11 A As far as I can tell, yes.
 12 Q Now, is there any reason it shouldn't be
 13 touched at this point or anything?
 14 A No, not at any time.
 15 Q I'd ask --
 16 THE COURT: Is the book 17 and the may itself
 17 16?
 18 MR. URICK: Yes, with the Court's permission
 19 at this time I will affix the labels to that affect.
 20 THE COURT: Okay.
 21 MR. URICK: For identification purposes the
 22 single page.
 23 THE COURT: Okay.
 24 MR. URICK: And the map book proper I'm
 25 affixing for identification purposes State's Exhibit

1 17.

2 (State's Exhibit No. 17 was
3 marked for identification.)

4 BY MR. URICK:

5 Q Was that item assigned a property control
6 number when it was submitted to the evidence control
7 unit?

8 MR. THOMAS:

9 A Yes, sir it was.

10 Q And how is the paperwork filled out on that?

11 A There's generally -- the general paperwork
12 that's filled out is a form known as a 56 form.
13 Basically that form is a property form which is filled
14 out. It includes the investigating officer's name, the
15 person who was recovering the evidence name as well as
16 what the items that are contained within the recovery.

17 Q And was that paperwork filled out on those --
18 that item?

19 A Yes, sir it was.

20 Q Was it filled out in your presence?

21 A Yes, sir it was.

22 Q Okay. And who's handwriting is on the form?

23 A It should be Franklin Sanders, technician
24 Sanders.

25 Q Now, what's the tape on the side for?

1 MR. THOMAS: That would be the area on
2 Lincoln Park. Would you like for me to present --

3 MR. URICK: I don't know if the Court would
4 want him to physically show it. It is a little bit
5 dusty and gritty.

6 THE COURT: Why don't you let him get off the
7 stand and then show it to the various sections of the
8 jury.

9 MR. URICK: Showing the side outward that had
10 that Lincoln Park on it. Start over there with the
11 lady on the far right. Thank you.

12 THE COURT: Does anyone on the jury have any
13 of our evidence by the way? Do we have everything
14 back? Thank you.

15 MR. URICK: At this time I would ask to
16 return those items to the Clerk and submit them as
17 evidence. You mine as well leave those on for a while.

18 MR. THOMAS: Too late, I took them off.

19 BY MR. URICK: Do you have a sticker?

20 Q I'd ask you to -- does that package reference
21 the offense report number in this case?

22 MR. THOMAS:

23 A Yes, sir it does.

24 Q And does it have a property control number to
25 items of evidence that are seized in this case?

1 A The tape on the bag is evidence tape that's
2 used to seal all evidence that's submitted to evidence
3 control section for purpose of -- for purposes of chain
4 of custody.

5 Q And was that bag sealed in your presence on
6 the day the item was seized?

7 A Yes, sir it was.

8 Q And is it substantially the same form as it
9 was on the day it was seized?

10 A Yes, sir.

11 MR. URICK: Would offer as State's 16 and 17,
12 the map book and the map page.

13 THE COURT: Without objection State's 16 and
14 17 are admitted.

15 (State's Exhibits No. 16 & 17,
16 previously marked for
17 identification, are received into
18 evidence.)

19 BY MR. URICK: If I may approach the witness
20 at this time, Your Honor I would like to direct his
21 attention to one spot on the map.

22 Q Officer Thomas, was it that I just pointed
23 to?

24 THE COURT: On State 16?

25 MR. URICK: Yes.

1 A Yes, sir it does.

2 Q And was that bag packaged in your presence?

3 A Yes, sir it was.

4 Q I'd ask you to open it at this time an
5 examine the contents.

6 A Okay.

7 Q Have you had a chance to examine those items?

8 A Yes, sir I have.

9 Q Can you identify those items?

10 A Yes, sir I can.

11 Q What are they?

12 A These are items that were also recovered from
13 the vehicle in reference to this case.

14 Q All right. I show you know what's already in
15 evidence as State's Exhibit 15 which is items in the
16 trunk of the vehicle. Do you see the items in there?

17 A Yes, sir.

18 Q At this time I would mark as State's Exhibit
19 19.

20 (State's Exhibit No. 19 was
21 marked for identification.)

22 Q A note that's labeled "Don".

23 A I lost a little piece.

24 Q And I'm marking for identification 20A and
25 20B. 20A being an envelope addressed to the Lee family

1 and 20 B being a note that's inside the item I
2 previously just listed it as a single Exhibit 20
3 because there are two paper objects there. At this
4 time we're marking them as A and B.

5 (State's Exhibits No. 20A & 20B are
6 marked for identification.)

7 Q If you would put the other items back in the
8 bag at this time. Now, the three items that I pulled
9 up, are those in substantially the same shape as they
10 were on the date that you received them?

11 A Yes, sir.

12 Q And did they seized the package in your
13 presence?

14 A Yes, sir they were.

15 MR. URICK: I would offer State's Exhibit 19
16 and 20A and B at this time.

17 THE COURT: Without objection State's 19 and
18 20A and 20B are admitted.

19 (State's Exhibit No. 19, 20A &
20 20B, previously marked for
21 identification, are received into
22 evidence.)

23 MR. URICK: I would ask that State's Exhibit
24 19 be published to the jury at this time by the witness
25 reading it.

1 THE COURT: Okay.

2 MR. THOMAS: State's Exhibit 19 reads, Hey,
3 cutie sorry I can't stay I have to go to a wresting
4 match at Randallstown High, but I promise to page you
5 as soon as I get home. K? Till then take care and
6 drive safely. Always, Hai, H-A-I. P.S. -- P.S. the
7 interview went well and I promise to tape it -- to tape
8 it so you can see me as many as -- as many and as often
9 as you want.

10 BY MR. URICK:

11 Q And the note is addressed to whom on the
12 other side?

13 MR. THOMAS:

14 A Don.

15 MR. URICK: At this time I would ask the
16 exhibits be given to the Clerk to be entered into
17 evidence.

18 THE COURT: Yes.

19 BY MR. URICK:

20 Q If I may approach the witness again at this
21 time I'd ask him to examine this package. Have you had
22 a chance to examine the package?

23 MR. THOMAS:

24 A Yes, sir I have.

25 Q And what is that package?

1 A This package contains papers that were
2 recovered from the glove box of the vehicle.

3 Q I'd ask you to open the package at this time
4 and examine the contents. Specifically, I'd like to
5 see if there's a Nationwide Insurance card among the
6 papers.

7 A Okay. Yes, sir it is.

8 Q At this I'd mark it for identification as
9 State's Exhibit 22. Pardon me 24, the Nationwide
10 Insurance ID from the glove box.

11 (State's Exhibit No. 24 marked
12 for identification.)

13 Q Can I see that please?

14 A Yes.

15 Q Is that 24?

16 THE COURT: Yes.

17 MR. URICK:

18 Q This exhibit which has been marked for
19 identification purposes as State's Exhibit 24 and
20 substantially the same shape and form as it was when it
21 was received?

22 MR. THOMAS:

23 A Yes, sir it is.

24 Q And was it seized and submitted and packaged
25 in your presence?

1 A Yes, sir it was.

2 MR. URICK: We would offer as State's Exhibit
3 24, the Nationwide Insurance card.

4 THE COURT: Without objection State's 24 is
5 admitted.

6 (State's Exhibit No. 24, previously
7 marked for identification, was
8 received into evidence.)

9 BY MR. URICK: If you could put those back in
10 the bag at this time. And I'll return that to the
11 Clerk at this time for safe keeping.

12 Q At this time I would like you to examine the
13 contents of what's labeled as property number 99009000.
14 Specifically, what I would like you to do is to see if
15 you can find this floral paper right on the items in
16 that bag. First of all can you identify that bag?

17 A Yes, I can.

18 Q And does it reference the offense report of
19 this incident?

20 A Yes, it does.

21 Q And does it have one of the property numbers
22 that was assigned to property that was submitted to the
23 ECU in this case?

24 A Yes, sir it does.

25 Q If you would please open the bag at this

1 time.

2 A And this would be the floral paper that's
3 represented in the photograph.

4 THE COURT: As loud as you can, sir so I can
5 get you near a microphone.

6 MR. THOMAS: Yeah, the floral paper contained
7 with that package here would be the floral paper that's
8 referenced to in the photographs.

9 BY MR. URICK:

10 Q Okay. I'm going to mark for identification
11 purposes that bag of various items and we'll just leave
12 that as one exhibit at this time.

13 (State's Exhibit No. 22 was
14 marked for identification.)

15 Was this item seized, packaged and submitted in your
16 presence?

17 MR. THOMAS:

18 A Yes, sir it was.

19 Q And is it in substantially the same condition
20 and shape as when it was seized?

21 A Yes, sir it is.

22 MR. URICK: Would offer as State's Exhibit
23 22, the floral paper exhibit.

24 THE COURT: Without objection State's 22 is
25 admitted.

1 look at this map.

2 THE COURT: Please don't block my jurors, Ms.
3 Gutierrez.

4 BY MR. URICK:

5 Q Have you had a chance to review the exhibit?

6 MR. THOMAS:

7 A Yes, sir I have.

8 Q And based on that can you in general terms
9 identify approximately where the body was located?

10 A In general terms the body was have been
11 located along this area in Lincoln Park. (inaudible)
12 Edmondson Avenue.

13 Q Please take the sticker which is marked B for
14 body and place it where the body would have been. You
15 may return to the seat at this time. If I may have the
16 Court's indulgence for just a second. Mr. Clerk, I'd
17 like you to mark for identification as State's Exhibit
18 30. We're marking for identification at this time as
19 State's Exhibit 30, the cell phone, the Defendant's
20 cell phone that was seized at his house pursuant to a
21 search and seizure warrant.

22 (State's Exhibit No. 30
23 premarked for identification.)

24 MR. URICK: Pursuant to stipulation we'd now
25 offer into evidence State's Exhibit 30, the Defendant's

1 (State's Exhibit No. 22, previously
2 marked for identification, was
3 received into evidence.)

4 BY MR. URICK: And I will give that to the
5 Clerk for (inaudible) to evidence at this time.
6 Prepackaged the larger bag.

7 Q Is there anything remaining in there at this
8 time?

9 MR. THOMAS:

10 A No, sir.

11 Q Mr. Mack you can use that larger bag to keep
12 it in. That one's apparently torn.

13 Q Do you recollect today approximately where
14 the body was located on Franklin Town Road in Lincoln
15 Park?

16 A As far as from the roadway or --

17 Q Just vaguely in the general geographical
18 terms. Let me show you a map and you take a look at
19 it.

20 A Okay.

21 Q If I may use the easel again at this time.
22 May the witness come down from the stand at this time?

23 THE COURT: Yes.

24 BY MR. URICK:

25 Q I'd ask you to take a few seconds and take a

1 cell phone.

2 THE COURT: Without objection and pursuant to
3 the stipulation or agreement State's Exhibit Number 30
4 is admitted.

5 (State's Exhibit No. 30, previously
6 marked for identification, was
7 received into evidence.)

8 MR. URICK: And if I may have the Court's
9 permission just to publish it by showing it to the jury
10 at this time.

11 THE COURT: You may.

12 MR. URICK: Mr. Clerk, here's the item I'd
13 ask you to mark it in as evidence now. Witness with
14 the Defense at this point.

15 THE COURT: Cross.

16 MS. GUTIERREZ: No questions.

17 THE COURT: May the witness be excused?

18 MR. URICK: Yes.

19 THE COURT: Thank you, Mr. Thomas. Good day,
20 sir. Ladies and gentlemen, we've come to the end of
21 our first day of trial. I will send you back to your
22 jury room and when you're dismissed I'll ask you to go
23 home and have good weekends. Please be back here
24 between 9 and 9:15 on Monday morning to be paid. After
25 you have been paid if you will report to your jury room