

1 PROCEEDINGS

2 (Jury not present upon reconvening.)

3 THE CLERK: All rise. The Circuit Court for
4 Baltimore City, Part 9, resumes in session, the Honorable
5 Wanda Keyes Heard presiding.

6 THE COURT: Thank you. Please be seated. Mr.
7 White, would you get our jury, please.

8 THE CLERK: Yes, Your Honor.

9 (Brief pause.)

10 (The jury returned to the courtroom.)

11 THE COURT: You may be seated. Good morning,
12 everyone.

13 THE JURY: Good morning.

14 THE COURT: Welcome back to Part 9. Remember
15 that one case I told you about? Well, they still haven't
16 gotten it together this morning. Please have a seat. So
17 in any event, what we have decided to do is to proceed
18 with the trial. At some point this morning, I am going
19 to take a break to resolve that other matter, and then I
20 will come back to the jury trial, which will allow you a
21 morning break that would normally occur anyway.

22 At this time, we want to remind you that we
23 still have an officer who is on the witness stand. I
24 need you to stand, for the record, and raise your right
25 hand, since we do have a new stenographer, and be re-

1 sworn.

2 ROMANO THOMAS

3 a witness produced on call of the State, resumed the
4 witness stand and, after having been duly sworn according
5 to law, was examined and testified further as follows:

6 THE CLERK: You may be seated. Please keep
7 your voice up and state your name and your assignment for
8 the record?

9 THE WITNESS: My name is Romano Thomas, Crime
10 Lab Technician, Baltimore Police Department.

11 THE CLERK: Thank you.

12 THE COURT: All right. The witness continues
13 to be with Ms. Gutierrez.

14 MS. GUTIERREZ: Thank you, Your Honor. May I
15 approach the witness?

16 THE COURT: Certainly.

17 MS. GUTIERREZ: Well, I guess I need to have
18 Mr. Clerk mark this for identification as Defendant's
19 Exhibit 1.

20 (Defendant's Exhibit No. 1
21 was marked for purposes
22 of identification.)

23 CROSS-EXAMINATION (Continuing)

24 BY MS. GUTIERREZ:

25 Q Mr. Thomas, I'm going to show you what has been

1 marked as Defendant's Exhibit 1 for identification. You
2 graciously provided a copy of the map that you made back
3 on January 13th.

4 A That's correct.

5 Q And if you would take a look at Defendant's
6 Exhibit 1, is that what this is?

7 A Yes, ma'am, it is.

8 Q Okay. Now, this is what appears to be at least
9 some drawings. There is a box, a rectangular like box
10 outlined on the map. Is that the pulloff with the jersey
11 walls that were shown in the photographs that we have
12 already looked at?

13 A Yes, they are.

14 Q And there are some straight lines. Does that
15 indicate the direction of Franklinton Road?

16 A The straight lines actually indicate the
17 guardrails.

18 Q The guardrails that are on one side?

19 A Uh-huh.

20 Q And the guardrails as you have described in the
21 earlier photographs?

22 A That's correct.

23 Q Okay. And then on here are what appear to be
24 sort of snowflake-like figures, and those represent
25 trees?

1 A Yes, ma'am.

2 Q Okay. And you have a line in Defendant's
3 Exhibit 1 to an ending point. Is the ending point the
4 location of the body?

5 A Yes, ma'am, it is.

6 Q Is the fallen tree that we have discussed
7 located by any symbol or marking of any kind on your map?

8 A No, ma'am, it's not.

9 Q And is there any symbol or marking indicating
10 the exact locations of items that you have already told
11 us you picked up?

12 A Yes, they are.

13 Q And where are they located?

14 A They are located along the map. They are
15 outlined as "A" through "F" or, I'm sorry, "A" through
16 "I", and then "1" through it should be "40".

17 Q Okay. Now, those letters and numerals are
18 indicated in very small writing, are they not?

19 A Yes, they are.

20 Q Could you with your pen circle the locations of
21 the items that you picked up?

22 A (Indicating.)

23 Q Now, two of the circles that you have made are
24 where the words "victim" appears; isn't that correct?

25 A That's correct.

1 Q And could you, to make it clear on this
2 drawing, draw a box around where the victim's body was
3 located according to the map that you made on February
4 the 9th?

5 A (Indicating.)

6 Q Okay. The rest of the items that you have told
7 us you recovered were recovered either from near the bed
8 of the roadway or right near the guardrail on the same
9 side that the jersey-walled pulloff appears, correct?

10 A That is correct.

11 Q And the remaining items that you picked up were
12 actually picked up from across the roadway furthest away
13 from where the body is; were they not?

14 A That would be correct.

15 Q Okay. And there is no indication of where the
16 log was on this drawing?

17 A That is also correct.

18 Q Based on your recollection, sir, could you draw
19 the log as to where you recollect it was in relationship
20 to the rest of this drawing.

21 A May I use the photographs to refresh my memory?

22 Q Yes.

23 A Thank you.

24 Q I'm showing you what has been previously marked
25 and admitted as State's Exhibit 9 and 11.

1 (Brief pause.)

2 A Let's see. The log would actually --

3 A And I'm now showing you State's Exhibit 10.

4 A Okay. Thank you.

5 Q Are you done with this one?

6 A Yes, thank you. (Indicating.)

7 Q On the drawing you have indicated by a line.

8 If you could -- I know I'm not a good drawer -- could you

9 try to make it look like a log, and put the letters,

10 printing the word "log" inside of it so that there is no

11 dispute as to what you have drawn.

12 A (Indicating.)

13 Q Okay. And in your drawing, Mr. Thomas, the log

14 appears not quite perpindicular to the road but much more

15 perpindicular than parallel, does it not?

16 A I would probably say it runs more perpindicular

17 than parallel.

18 Q More perpindicular. So the log, if it ran, it

19 would then directly connect to the road if it ran as long

20 as the road; would it not?

21 A Probably so.

22 Q And the victim's body, the burial site that you

23 observed back on February 9th, was on the further side of

24 that log further from the road than to the road; was it

25 not?

1 A That would be correct.

2 MS. GUTIERREZ: Okay. I would move Defendant's

3 Exhibit 1 into evidence.

4 THE COURT: Any objection.

5 MR. URICK: No.

6 THE COURT: Let it be admitted.

7 (Defendant's Exhibit No. 1,

8 previously marked for

9 identification, was

10 received in evidence.)

11 MS. GUTIERREZ: I have nothing further of this

12 witness.

13 THE COURT: Anything further from the State?

14 MR. URICK: Just very briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. URICK:

17 Q Mr. Thomas, is Leakin Park a public park?

18 A Yes, sir, it is.

19 Q And what is a pulloff used for?

20 A Normally a pulloff would be used to change a

21 tire or something like that.

22 Q Does it also allow access into the park?

23 A Yes, sir, it does.

24 Q Are there any other pulloffs in that stretch of

25 Franklinton Road?

1 A Not to my knowledge.

2 Q Now, on the map that you prepared, you figured
3 the distance from the road to the body; did you not?

4 A Yes, sir, I did.

5 Q And what distance did you come up with?

6 A Approximately 114 feet, eight inches.

7 Q And that includes or that is from the actual
8 roadway surface?

9 A That would be correct.

10 Q So in other words, you have to get through the
11 whole open area of the pulloff area --

12 MS. GUTIERREZ: Objection to the form of the
13 question.

14 THE COURT: Continue with your question.

15 BY MR. URICK:

16 Q So that includes both the open area of the
17 pulloff area and the tree area?

18 A That is also correct.

19 THE COURT: Overruled.

20 BY MR. URICK:

21 Q Did you ever measure how far the open space of
22 the pulloff extends?

23 A Yes, sir, I did.

24 Q How far was that?

25 A I do not have that information available to me

1 right now. That's also on the rough sketch.

2 Q And the items that you have on here as "G", "H"
3 and "I", were those on the body?

4 A No, those were near the body.

5 Q They happened to be in the general vicinity?

6 A Correct.

7 MR. URICK: Nothing further.

8 RECROSS-EXAMINATION

9 BY MS. GUTIERREZ:

10 Q Mr. Thomas, you said you were aware that Leakin
11 Park is a public park?

12 A Yes, ma'am.

13 Q Were you aware that, in fact, Leakin Park is a
14 federal wildlife preserve inside the city limits?

15 A Not to my knowledge.

16 Q Were you aware that the stream that you said
17 that you observed is, in fact, a tributary of the Gwynns
18 Falls and is stocked every spring so that people using
19 the park can fish?

20 A Not to my knowledge.

21 Q And were you aware that there are about twelve
22 pulloffs in Leakin Park, all of which have been totally
23 closed by jersey walls for at least the last nine years?

24 A Not to my knowledge.

25 Q And were you aware that citizens of this city

1 and elsewhere regularly, when the stream is stocked, come
2 to fish in the tributary that runs there?

3 A Not to my knowledge.

4 Q Thank you. You talked about your rough sketch.
5 Is your rough sketch something different than the item
6 that we have just identified and upon which you have just
7 drawn?

8 A Yes, ma'am.

9 Q And making a rough sketch is something that you
10 ordinarily do; do you not?

11 A That's correct.

12 Q And later you make a good sketch, correct?

13 A That's correct.

14 Q Putting in all of the information that you
15 consider to be important based on your processing of a
16 crime scene; is that correct?

17 A That would be all of the information that is
18 contained on the rough sketch.

19 Q Okay. You didn't leave out anything from the
20 sketch that has been identified and upon which you have
21 drawn that was contained on your rough sketch when you
22 made the final good sketch, did you?

23 A No, ma'am.

24 MS. GUTIERREZ: Okay. Thank you. Nothing
25 further.

1 THE COURT: Anything further, Mr. Urick?
2 MR. URICK: No, thank you.
3 THE COURT: And may this witness be excused?
4 MR. URICK: Yes.
5 THE COURT: Ms. Gutierrez.
6 MS. GUTIERREZ: Yes.
7 THE COURT: And released from the summons?
8 MS. GUTIERREZ: Yes.
9 THE COURT: Officer, you are now excused. I
10 want to remind you that you are a sequestered witness.
11 However, in light of the fact that you have been excused
12 from the subpoena, you will be permitted to remain in the
13 courtroom should you choose to do so, or you do not have
14 to. At this point, you are released from your obligation
15 to appear in this case.
16 THE WITNESS: Thank you, Your Honor.
17 THE COURT: And you may go.
18 THE WITNESS: Thank you.
19 THE COURT: Your next witness.
20 MS. MURPHY: Thank you, Your Honor. At this
21 time, the State calls Ms. Sharon Talmadge.
22 (Brief pause.)
23 THE COURT: Ms. Talmadge, you may rest your
24 belongings there on that chair next to you, if you would
25 like. I need you to raise your right hand and listen to