

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

Case Number: 21-01099CFANO - 21-01513CFANO

STATE OF FLORIDA,

Plaintiff,

vs.

CORNELIUS TREVON WHITFIELD,

Defendant.

DEPOSITION OF: AMARA DREW
TAKEN BY: Counsel for the Defendant
DATE: March 11, 2026
TIME: 9:49 a.m. - 12:29 p.m.
PLACE: ZOOM Videoconference
REPORTED BY: Tamara M. Pacheco, RPR
Notary Public, State of FL

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EXHIBITS

(No exhibits were marked for identification.)

1 WHEREUPON,

2 AMARA DREW

3 (the deponent herein, being first duly sworn, was examined
4 and testified as follows:)

5 EXAMINATION

6 BY MS. SEIFER-SMITH:

7 Q. Can you please state your name for the record.

8 A. My name is Amara Drew.

9 Q. We are here in the matters of Cornelius
10 Whitfield. Our court case numbers are 21-01099CF and
11 21-01513CF. My name is Julia Seifer-Smith. Together with
12 Margaret Russell and Lamark McGreen, we represent
13 Mr. Whitfield. Also present for this Zoom deposition is
14 Theodora Taktikos-Danzig from the state attorney's office.

15 MS. TAKTIKOS-DANZIG: Good morning.

16 BY MS. SEIFER-SMITH:

17 Q. Ms. Drew, can you tell me what, if anything, you
18 reviewed in connection with these cases before being sworn
19 in by our court reporter this morning?

20 A. What I reviewed for this case?

21 Q. Yeah.

22 A. I have -- I was reviewing two case files with
23 two separate FDLE case numbers associated with evidence I
24 received in this case.

25 Q. Are those -- do those FDLE case numbers end in

1 1256 and 1259?

2 A. They do.

3 Q. Okay. I think we're talking about the same
4 cases. I just want to make sure that I have everything in
5 terms of the full file. Sorry, I know I'm super dark. I
6 can't figure out the light in my office.

7 Are those 93 pages for one and 17 pages for
8 another?

9 A. I do not have page numbers on mine.

10 Q. Oh, okay.

11 A. But --

12 Q. I do I think because they were converted to a
13 pdf.

14 A. -- one is larger and one is thinner.

15 Q. Oh, okay. Okay. I guess we'll go with -- I'm
16 sure we're going to be talking about the individual
17 documents. So if it seems like we're missing anything,
18 then we'll go from there.

19 I guess kind of at the outset, do you have an
20 updated curriculum vitae that you would be able to share
21 with us? You can send it over to Ms. Danzig at the state
22 attorney's office at some point or to my office, and even
23 if you're updating it later today or this week, would you
24 be able to do that for us, please?

25 A. Yes. I can -- if there's an appropriate e-mail

1 to e-mail that to, if I can get that at some point, I can
2 get it sent over.

3 Q. Oh, great. Yeah, I'll put my e-mail in the
4 chat.

5 MS. TAKTIKOS-DANZIG: I can also reach out to
6 you, Amara, later. Mine is a little bit longer than most.

7 THE DEPONENT: Okay. Then I'll just send you
8 both a copy of it.

9 MS. TAKTIKOS-DANZIG: Sounds wonderful. Thank
10 you.

11 THE DEPONENT: Can I have a second to copy that
12 down real quick so I don't lose the email address?

13 MS. SEIFER-SMITH: Of course. Take your time.
14 I'm going to work on the lighting in here.

15 (Pause in deposition.)

16 THE DEPONENT: Okay. I have that copied down.

17 MS. SEIFER-SMITH: Thank you.

18 BY MS. SEIFER-SMITH:

19 Q. I know we don't have your CV in front of us, but
20 could you do me the great favor of running us through your
21 educational background, your professional experience, all
22 the things.

23 A. So I have a bachelor's of science from west
24 Chester University of Pennsylvania in forensics and
25 toxicological chemistry. After graduating university, I

1 was employed with the Idaho State Police Forensic Services
2 in their firearms section where I successfully completed
3 their firearms and toolmarks training program, which
4 consisted of thousands of comparisons, hundreds of
5 firearms examinations, written tests, practicals, mock
6 case work, which I successfully completed all of that.

7 Then I worked with the North Carolina State
8 Crime Laboratory in their firearms section as well. I did
9 an expedited training program there, again consisting of
10 more practicals and written tests basically to show that I
11 could do the type of training that I said I was previously
12 trained to do, which I successfully completed that as
13 well.

14 Then upon employment with FDLE, Florida
15 Department of Law Enforcement in their firearms section, I
16 went through an assessment period and six months of
17 supervised case work, which I successfully completed all
18 of that as well. And throughout the year, I participate
19 in continuing education credits via webinars with
20 associated courses in the field.

21 Q. I'm so sorry, I might have missed this. When
22 did you say you joined FDLE?

23 A. I joined FDLE in June of 2023.

24 Q. Okay. So how many years total do you have as a
25 toolmark examiner then?

1 A. I started in Idaho in 2019, so I think that's
2 about six years -- seven, six years, if I'm mathing
3 correctly.

4 Q. And did I get this right, you have a bachelor's
5 of science? Anything beyond that?

6 A. No, just the bachelor's.

7 Q. Okay. And I'm so sorry, what was the bachelor's
8 in again?

9 A. Forensics and toxicological chemistry.

10 Q. Oh, okay. So two very different things. Any
11 goals of going back to school for anything?

12 A. Nothing is planned at this time.

13 Q. Okay. I love asking these questions because
14 sometimes we get like a whole host of like aspirational
15 things. It's very fun.

16 Are you a member of any professional
17 organizations?

18 A. I am. I'm a member of AFTE, which is the
19 Association of Firearms and Toolmarks Examiners.

20 Q. Okay. Is there like a Florida chapter or a
21 Florida division, or are you just a member of the
22 national?

23 A. It's actually an international organization. We
24 have members all over the world.

25 Q. Okay. Do you hold any positions with that

1 organization?

2 A. I'm not on any board positions, but I do
3 participate in one of the committees.

4 Q. Okay. Which committee is that?

5 A. It is the -- it has a long name. I apologize.
6 It's a literature committee. Basically, we're compiling
7 different literature for firearms manufacturers and
8 compiling it into a centralized location for our members.

9 Q. What kind of literature are you focusing on?

10 A. Basically brochures and catalogs of the
11 different types of firearms that we potentially could see
12 in casework.

13 Q. I see. So it's not like scientific literature.
14 It's manufacturer's literature. Is that right?

15 A. Yes. Yeah.

16 Q. And I know you had mentioned, you know, your
17 kind of ongoing participation in continuing education. Is
18 there any particular requirement either at the FDLE or
19 because of your membership with AFTE that requires a
20 certain number of continuing education credits or hours?

21 A. Yeah. Here at FDLE, we are required sixteen
22 hours of continuing education credits every year.

23 Q. And are there particular requirements within
24 that sixteen hours, like five hours professional credits,
25 five hours technology credit, something like that?

1 A. I'm not exactly sure what the breakdown is. I
2 do know they have to be approved credits. I don't -- that
3 goes through my supervisor in our team that does that. I
4 just submit, and they tell me what's approved and what's
5 not. I don't know the exact requirements for that.

6 Q. When you joined the FDLE, was there a
7 probationary period?

8 A. Yes.

9 Q. How long was that?

10 A. One year from being released to do casework.

11 Q. Okay. During that probationary period, what was
12 essentially required in order to kind of pass out of it?

13 A. Basically, no, you know, aspects of concern.
14 Good quality work. You know, good professional conduct in
15 that aspect.

16 Q. And you had already been working as a toolmark
17 examiner in other locations. So it sounds like you didn't
18 need to shadow somebody in order to get your feet wet,
19 figure out what you were doing as an examiner. Is that
20 fair?

21 A. So I did go through an assessment period where
22 they did test me. And then I did participate in
23 supervised casework, which is a requirement here with
24 FDLE, meaning that I was working cases under a qualified
25 examiner here. So it was their case, but I was doing the

1 work, and they were going behind me making sure I was
2 following the policies and procedures in how they do the
3 casework here at FDLE. So I did do that six-month period
4 under a qualified examiner here at FDLE.

5 Q. Is there any kind of ongoing proficiency
6 testing? Like, as an example, I know in the latent
7 fingerprint world, folks undergo a yearly proficiency
8 test. It's standardized like around the nation kind of
9 thing. Is there anything like that for the work that you
10 do?

11 A. Yes. So we do have a yearly proficiency test,
12 which is our comparisons. So every year we'll get a set
13 from an external agency to basically prove that we can do
14 the types of comparisons that we do. That gets sent out,
15 and I have successfully passed all of my proficiency
16 tests.

17 Q. Were there any issues during your probationary
18 period of time at FDLE?

19 A. Some administrative spelling errors, grammatic
20 errors, but no quality in like a misidentification or no
21 quality errors like that.

22 Q. Okay. Can you tell me a little bit about the
23 structure of your unit or section at the FDLE?

24 A. Um --

25 Q. Sorry, maybe that was a vague question. So what

1 do you call -- like, the section you work in, is it called
2 the firearms section or the toolmark examiners section?

3 A. We're the firearms section.

4 Q. Firearms section. Okay. I apologize, I always
5 get that wrong. So can you describe to me what the
6 hierarchy is in terms of supervisory level or
7 administrative level all the way down to -- I don't know.

8 A. So we've got the analyst level. So we have FTs,
9 which are our technicians that do -- in the firearms
10 section, those do our NIBIN cases and various
11 administrative duties for our section. Then we go to our
12 crime laboratory analysts. Those are the main
13 caseworkers. We do all of the casework and various
14 administrative duties as well. We do have senior crime
15 laboratory analysts. Those are just our analysts that do
16 the same tasks, more leadership roles type of thing.
17 They've been here a lot longer.

18 Then we go to our supervisor. Above our
19 supervisors are our chief. So our supervisors supervise
20 the section. The chief supervises our supervisors. Then
21 it goes to I believe our director of forensic services,
22 and then I believe it goes to like the deputies of like
23 FDLE. Then it gets a little higher than I'm -- I'm not as
24 familiar how high that structure goes.

25 Q. Okay. Fair. Let's focus on what you know. So

1 you are not a forensic technician. You're an analyst. Is
2 that right?

3 A. Yes.

4 Q. Okay. So not a senior analyst yet?

5 A. Not yet, no.

6 Q. Okay. And what's required to become a senior
7 analyst, if you know?

8 A. To become a senior analyst, that -- you need I
9 believe it's nine years as an analyst.

10 Q. Okay. Nine years with FDLE you think?

11 A. I believe some situations are different. Since
12 I was a previous examiner, I came in at like a three-year
13 analyst in terms of FDLE's time scale because I had
14 previous experience. So it's -- they're counting some of
15 my previous experience as time as an analyst.

16 Q. Got it. Okay. So about how many forensic
17 technicians are there within your section?

18 A. We have four.

19 Q. Four. Okay. And how about analysts?

20 A. I believe we have ten, but two of them are in
21 training.

22 Q. Okay. So two -- when you say training, is that
23 a probationary year?

24 A. They're still learning how to be analysts.

25 Q. Okay. So not even yet at that probationary

1 year?

2 A. Correct. They're still in, like,
3 training-training.

4 Q. Got it. Okay. And then is a senior analyst
5 included in that number?

6 A. Yes.

7 Q. Okay. Because it sounds like their job isn't
8 necessarily different to yours. They just have more
9 experience under their belt. Is that what it is?

10 A. Correct, and they're expected to do a little bit
11 more leadership, mentoring, that kind of stuff. But
12 they're still full-time caseworkers as well. They've just
13 been doing it. They've been here longer.

14 Q. Okay. So in terms of like any kind of
15 difference in responsibility, it's just like mentoring,
16 leadership. I'm assuming they're probably maybe a bit
17 more, like, hands-on with regards to the training of those
18 two folks?

19 A. Sometimes. Yeah, sometimes.

20 Q. Okay. But they're not supervisors. Is that
21 right?

22 A. No. No.

23 Q. And then how many supervisors are there?

24 A. We have one supervisor for the analysts and a
25 different supervisor for our techs.

1 Q. Okay. who's the supervisor for the analysts?

2 A. Anthony Byrd.

3 Q. And do you know what his title is?

4 A. Crime laboratory analyst supervisor.

5 Q. So C-L-A-S. Is that right?

6 A. That is correct.

7 Q. And then Mr. Byrd would report to a chief I
8 think you said?

9 A. Yes.

10 Q. And who is that?

11 A. Justin Greenwell.

12 Q. Okay. Is -- and maybe you know. So is Mr. Byrd
13 as the firearms section supervisor, is he just responsible
14 for the firearms section, or is he responsible for any
15 other forensic sections?

16 A. No. He only supervises the firearms analysts
17 here in Tampa.

18 Q. Okay. And what about the chief?

19 A. He supervises all of the supervisors for every
20 discipline here in Tampa.

21 Q. Got it. Okay. So still in Tampa. And then
22 when you said it goes up from there, it would be the
23 director probably in Tallahassee?

24 A. I actually believe he's based out of Lake Nona
25 now.

1 Q. Interesting location to be based out of. Okay.
2 Cool. Okay. And the work that you do I imagine has to be
3 like at a physical location. Is that right?

4 A. Yes.

5 Q. Okay. Can you tell me a little bit about just
6 kind of generally what the lab looks like? what's
7 available to you in the lab?

8 A. So I have access to the firearms section. So
9 within the firearms section I have -- we have an internal
10 range here in the section that allows us to test fire the
11 firearms that we receive. Within the range, we have
12 what's called a water tank. Basically, it's a steel tank
13 that allows us to collect projectiles in a pristine
14 condition in order to do our comparisons.

15 We have our comparison microscopes. That is the
16 main tool we use to do our comparisons. It's basically
17 two microscopes connected by an ocular bridge, meaning
18 that we can see both items at the same time under the same
19 magnification.

20 And then we have our miscellaneous tools to be
21 able to fix potentially broken firearms, any tools in that
22 nature that would assist us in rendering something either
23 safe if it comes in an unsafe condition or functional if
24 it comes in broken. We have access to balances, calipers.
25 So balances to weigh projectiles to help us determine

1 potential caliber classes, and the calipers as well is to
2 measure diameter and that kind of stuff for projectiles as
3 well.

4 Q. Okay. And are you governed by like standard
5 operating procedures within your section?

6 A. We are. We do have standard operating
7 procedures.

8 Q. Do you know when the most recent standardized
9 operating procedures, when those were released?

10 A. I do not remember the exact date off the top of
11 my head. I know we had a recent update in the last few
12 months, but I do not remember the exact date.

13 Q. Was there any work that was done on this case in
14 the last few months, or would you have been governed by
15 the older SOPs?

16 A. We've had nothing change significantly that
17 would change, you know, my workflow process in how to work
18 the case, but this case was worked back in I believe early
19 2025 because my reports are dated April 2nd of 2025.

20 Q. Okay. Any work that you did after April of
21 2025?

22 A. I do not believe so, no.

23 Q. Okay. And so my next question -- and you might
24 need to just take a look at your case file. So I had --
25 like, the first page that I got with the case files was

1 correspondence for both of the files, and the last
2 indication of correspondence was 3/5/25 for both. Do you
3 have anything after that?

4 A. I would have to pull up the system and see if
5 there was anything else. In my case file that I have, my
6 working case file, I don't have the correspondence or that
7 kind of stuff.

8 Q. Okay. So I guess what I would ask is, if you
9 have a moment, if you can do that. Not during our
10 deposition, but I know you're going to send us the
11 curriculum vitae. So if you could just double check on
12 any correspondence that was had I guess with your agency
13 regarding these case numbers. And just so you have it
14 again, that last update within the correspondence file was
15 3/5/25, so anything after that.

16 Okay. So would you say that the SOPs for the
17 firearms section govern the work that you do?

18 A. I don't know what you're asking me.

19 Q. Sure. Well, I guess I'll start with, are you
20 familiar with the standard operating procedures for the
21 firearms section?

22 A. I am.

23 Q. Okay. Does that govern the work that you do
24 within the purview of the firearms section then?

25 A. Yes.

1 Q. Okay. And what happens if you come across a
2 scenario that isn't accounted for in the SOPs?

3 A. So if we do come across a scenario, we have a
4 procedure where we will go to our supervisor and say, hey,
5 how do we address this situation? If it is not covered
6 within our SOPs, we have a documentation that goes through
7 approval via our supervisors, our chief, and our technical
8 leader has a say in them to basically indicate, hey, we
9 have a deviation from our SOP. This is the reason. This
10 is the outcome. This is the, you know, solution or
11 conclusion that we're coming to based on this, and it
12 included with the file.

13 Q. Has anything like that ever happened with you,
14 like something just totally new and novel on a case?

15 A. Not that I can recall.

16 Q. Okay. So you've never had to go through that
17 process before?

18 A. Not -- no, not here. No, I have not.

19 Q. It sounds like maybe in another agency you have?

20 A. We had a deviation of -- oh, shoot. I had a
21 deviation request in one of my previous labs. I don't
22 remember the specifics about it, but it was a very similar
23 process of, hey, this isn't spelled out exactly in our
24 policy, and we went through basically the same process
25 that FDLE has. We go through our management, our

1 technical lead, and it gets added to the file. I don't
2 remember the specifics though.

3 Q. Okay. That was going to be my next question,
4 what the deviation was.

5 A. I do not remember specifics.

6 Q. what I think I'd like to do now is maybe talk
7 about kind of like the overarching theory or theories that
8 govern the work that you do, and then we can get into the
9 nitty-gritty of the actual work you did on the cases.
10 Does that seem reasonable?

11 A. That's fine.

12 Q. Great. Okay. So why don't you start with
13 telling me what you believe to be the theory or theories
14 that kind of like underpin your work as a firearm
15 toolmarks examiner.

16 A. So when it comes to firearms and toolmarks
17 examining, the reason we're able to do the types of
18 examinations we can do is, during the manufacturing
19 process of these firearms or the tools, the different
20 parts that are created are created using a different set
21 of tools. As these tools are coming in contact with the
22 parts of a firearm, they're changing at a microscopic
23 level.

24 This can kind of be thought of like sandpaper.
25 So as sandpaper is moving across a surface of wood, it's

1 changing the surface of the wood, but also, the sandpaper
2 itself is changing too. So as these different parts are
3 interacting, both the tool that's being created and the
4 tool that's doing the creating are changing on that
5 microscopic level. That means that as the subsequent
6 tools or firearms are being created, they have a specific
7 pattern that is created on them during the manufacturing
8 process, and those marks that are on the firearm during
9 that process are translated onto the ammunition during the
10 firing process.

11 So because the ammunition is of a softer metal
12 or material, when it comes in contact with the harder
13 surfaces of the firearm, the details are then translated
14 onto those fire components, whether it's the cartridge
15 case from the breech face or the firing pin impression or
16 on the bullet from the rifling and the characteristics in
17 the barrel are translated onto those fired components.
18 Those are the details that we're looking for when we put
19 them on the comparison microscopic.

20 Oh, I apologize my screen just locked.

21 Q. well, we can still see and hear you. I think it
22 was because you were so animated about your description of
23 your work.

24 A. Okay. Sorry about that.

25 Q. Are you all set?

1 A. I am. I apologize for that. So then those are
2 the details that we're looking for when we put them on the
3 comparison microscopic. Because when we do our
4 examination, we are looking for those class
5 characteristics to start off. So those are predetermined
6 characteristics prior to manufacturing, like the shape of
7 a firing pin impression, whether it's circular or
8 elliptical or whether it has linear breech face detail or
9 circular breech face detail.

10 If those are in agreement, we move on to what's
11 called looking for individual characteristics, and those
12 are those imperfections or those specific marks that are
13 for a specific firearm. So during our testing, when we
14 get a firearm, we will test fire that so we know those
15 collected cartridge cases and projectiles came from that
16 firearm because we're the ones who test fired it. And
17 then we'll put them on our scope and look for that
18 overarching pattern of similarity to potentially determine
19 whether or not they came from that firearm or not.

20 And in the presence of not having a firearm, we
21 still are able to make those types of conclusions based on
22 the two items or more items of evidence whether or not
23 they have the similar pattern and it is sufficient enough
24 to make an identification.

25 Q. Talk to me about what that means, sufficient

1 enough.

2 A. So sufficient agreement or sufficient to make an
3 identification, meaning that the agreement that we are
4 seeing is overwhelmingly, you know, there. We see this
5 agreement. We -- because during our training and what we
6 do during our training, we develop a criteria and
7 threshold of that agreement is exceeding our best known
8 non-match.

9 So that means the times we see the best known
10 non-match are those consecutively manufactured slides or
11 barrels, and we've conducted studies within the firearms
12 discipline of convention -- no, pardon me -- consecutively
13 manufactured parts. Because that's where you would see
14 potentially, you know, that's where the least amount of
15 change is occurring between those tools because they are
16 consecutively made. And we've done studies where that
17 shows that we can see those differences on that
18 microscopic level of those imperfection to be able to
19 determine which specific firearm they came from.

20 Q. And did you participate in any of those studies?

21 A. Not -- we have sets of those studies. Those
22 studies were conducted officially prior to me joining. So
23 I did not know the results of the studies, but I did
24 participate via -- during my training, we had sets of
25 consecutively manufactured slides and barrels.

1 Q. And are you -- excuse me. The studies that you
2 were talking about, are those published studies, or are
3 you just talking about internally within the firearms
4 section at FDLE?

5 A. They are published. Like, the results meaning
6 that we had this much errors versus not. The actual
7 results of this went to this, this went to this I do not
8 believe is published. That way it can continue to be
9 used. But the, you know, error of how much -- I'm sorry.
10 The error of incorrectly identifying or correctly identify
11 or incorrectly eliminating, that stuff is published, I
12 believe.

13 Q. Are you able to tell me where it's published,
14 like what the name of those studies are?

15 A. One I believe is the Brundage study.

16 Q. Do you know how to spell that, sorry, for our
17 dear court reporter.

18 A. I'm a terrible speller. I believe it's like
19 B-R-U-N-D-A-G-E. I'm sorry, I'm a terrible speller.

20 Q. That's okay. You gave it your best shot.

21 A. I can give you the -- I can confirm the name and
22 get that to you as well if you need it.

23 Q. Okay. Are there any other studies that you're
24 familiar with on that particular issue?

25 A. There are other studies. I'm drawing a blank on

1 their names of the studies, but there are other studies of
2 consecutively manufactured parts.

3 Q. Okay. And was that part of your training? Were
4 you required to read scientifically published papers
5 regarding the work of firearms examination and comparison?

6 A. Yeah, we did read those things in training.

7 Q. Okay.

8 A. And some of that is part of our continuing
9 education stuff. I just haven't reviewed those in recent
10 times.

11 Q. So I think we were talking kind of about
12 sufficient agreement or sufficient enough I think was one
13 was phrase that you had used. It sounded to me as though
14 it was a little bit subjective. But, I mean, this is your
15 field, so please go ahead and explain to me what
16 sufficient might mean in a more a concrete premise.

17 A. Yeah. So this field does tend to be more
18 subjective than say another field that uses
19 instrumentation. So we do tend to be subjective based on
20 objective things. So, like, we do know objectively that
21 these tools are marking, are, you know, changing as they
22 are used, but seeing the patterns using the scope is a
23 subjective manner because it's our eyes looking at it.

24 But during our training and experience and
25 stuff, we develop the criteria because we have known

1 matches. We know that this came from this during our
2 training. So we generate those test fires, and when we
3 generate test fires, we shoot a minimum of three so we can
4 see what that pattern is and how it is repeating via the
5 test fires that we created. We can then, you know, do
6 that comparison to what is submitted to us to see that
7 pattern.

8 So that is how we determine known matches, like,
9 yes, I know this came from this firearm because I tested
10 it, and I know what that overall pattern of that gun is in
11 order to say, yes, it came from this gun. That's how we
12 develop the criteria of what we're used to seeing of, yes,
13 this is known. So then when we don't have a firearm, we
14 know what that level of criteria is of how much agreement
15 we need to see in order to say, yes, these came from the
16 same firearm.

17 Q. So when you're saying I know how much agreement
18 I need to see, is the "I" truly like I personally, Amara
19 Drew, I know how much agreement I need to see based on
20 what I've looked at in terms of the test fire? It's not
21 like, I guess, a field-wide or even a section-wide,
22 office-wide criterion?

23 A. Each examiner can have their own set of
24 criteria. Someone with more experience might have, you
25 know, more developed criteria than a newer one, but all of

1 our work, you know, we do have, you know, proficiency
2 testing annually to know that when I'm ID'ing this, yes,
3 it's supposed to be an ID. If I'm getting an inconclusive
4 something, like there's not enough for me to say yes or
5 no. There's just not enough detail there. Or the
6 elimination is, there's enough differences here that I can
7 say, yeah, these did not come from the same gun.

8 So our criteria is developed for kind of each
9 level of our range of conclusions. Yes, it can be
10 subjective where one examiner's criteria is slightly
11 different, but we do have a process of, you know, having
12 our stuff reviewed and verified in order to make sure that
13 we're producing quality work.

14 Q. And we'll get into the practice of verification
15 in just a minute, but I think what I want to talk about --
16 and thank you for that explanation. That was really
17 helpful.

18 So you had mentioned earlier in like what you
19 were talking about for like the underpinning theories of
20 the practice is like class characteristics and then
21 individual characteristics. And I think it would be
22 really helpful if you could just explain a little bit more
23 about what class characteristics are and then what
24 individual characteristics are, and then I think that
25 would probably segue into what conclusions you're

1 permitted to make pursuant to the practice. Does that
2 make sense?

3 A. I believe so.

4 Q. Okay. Great.

5 A. So class characteristics, I'll give a
6 definition, and then I can go into a little bit of an
7 analogy. So class characteristics are predetermined
8 characteristics. So that would be the shape of the firing
9 pin, the type or shape of detail, whether it's parallel
10 detail on the breech face, whether it's circular detail.

11 So the manufacturer will determine this prior to
12 even creating the different parts of the firearm, the
13 different tool areas. So this can be thought of like a
14 car manufacturer. They decide that this is going to be a
15 gray Jeep Gladiator prior to the car even being made. So
16 that's determined, and that's kind of how we can think of
17 class characteristics.

18 So then the individual characteristics are
19 things that occur either during the manufacturing process
20 or wear, tear, use of the firearm, that type of stuff. So
21 those are those imperfections and irregularities that
22 occur.

23 So kind of back to the car analogy, if you hit a
24 bike post on your right front bumper, you now have a dent
25 there. That's specific to your car that you created that.

1 You have that bump, that dent on your car. You've got a
2 ripped proud parent sticker on your left rear bumper. So
3 those are like those imperfections and specific details
4 that help you find your specific car in the parking lot
5 type of thing.

6 Q. Okay. Is there any particular number of class
7 characteristics that you personally or you generally as a
8 practice are looking for?

9 A. So class characteristics, those have to agree or
10 don't agree. Like, if it's a circle versus an elliptical,
11 that's already a difference there, and those are two
12 different dots. If we have parallel breech face versus
13 circular breech face, those are two different dots.

14 So it's our individual characteristics that help
15 us, you know, hone in on a specific firearm or the same
16 firearm. We don't have a specific number that we're
17 using. We're looking for the overall quantity and quality
18 of those marks in order to determine whether or not they
19 came from a specific firearm.

20 Q. Okay. So sorry, just to drill down just so I'm
21 totally clear, so class characteristics -- for comparison,
22 class characteristics have to agree; otherwise, you don't
23 even go on to looking at individual characteristics,
24 right? It wouldn't make sense.

25 A. That is correct.

1 Q. Okay. So if class characteristics agree, then
2 you go on to looking at individual characteristics. I
3 think what you just said was that you're looking at
4 quantity -- you said quantity and quality?

5 A. Correct.

6 Q. So it sounds like that again is where we talked
7 a little about the subjectivity of this part of the
8 analysis. Is that right?

9 A. That is correct.

10 Q. So there's no specific number that either you
11 yourself or that you generally as a firearms examiner
12 would look for. Is that correct?

13 A. Correct. There's no exact number.

14 Q. Okay. Can you tell me anything else in terms of
15 like the individual characteristics? I know generally
16 saying the phrase quantity and quality, that's a little
17 vague. So what do you mean in terms of quantity and
18 quality?

19 A. So what we're looking for with that is, if we've
20 got, you know, this really good patch of detail, whether
21 it's this patch of shapes or this patch of linear detail,
22 that has very strong quality. We could have, you know,
23 ten really good -- like really good areas or, you know,
24 this patch here, this patch here, this patch here is so
25 good in quality that we're like, wow, that's sufficient

1 for me to make that identification.

2 But then in another sense, you could have all of
3 these lines on your breech face, but none of them are
4 agreeing. You only have maybe one line that agrees. So
5 the quality of that is not good. So you need to have a
6 sufficient amount to be able to say, yes, I have enough
7 here, but the quality of that has to be there as well.

8 So you can't have like one line agree and be
9 like, yeah, that's good. That's not sufficient. You have
10 to have the quality of the marks with the quantity in
11 order to do the sufficient agreement of I need to have
12 good but enough good to be able to make that
13 identification.

14 Q. And we're talking about things that are three
15 dimensional, right?

16 A. That is correct.

17 Q. Okay. So is there any particular -- like either
18 in practice or as a policy matter, do you have to look at
19 the entirety of let's say the cartridge casing or the
20 projectile in order to have the individual characteristics
21 that you would want for a comparison?

22 A. So for a cartridge case, we can use -- like say
23 the breech face. If there is sufficient agreement in the
24 quality of the detail in the breech face, we can identify
25 on the breech face. So for a cartridge case, we need one

1 area of sufficient agreement to say this is an
2 identification. We look -- we do as a general practice
3 look at every area of the cartridge case during our
4 testing just to make sure nothing is standing out to us as
5 like, hold up, this is -- something is not right here. So
6 we do look at the different areas and whatnot, but we can
7 make the identification on one area.

8 Q. If there appears to be sufficient agreement
9 between class characteristics and individual
10 characteristics at one section of the breech face let's
11 say but not elsewhere, like if you see differences
12 elsewhere, then what does that do for your analysis?

13 A. If we've come to the identification on this
14 part, we identify it to the gun. There are aspects --
15 I've never had it in a case, but we have -- there have
16 been case studies done of firearms being submitted to us
17 that were collected at a later date where the barrel of
18 the firearm was changed; therefore, you potentially could
19 see differences on the chamber of the cartridge case, so
20 the side wall of the cartridge case. Those marks
21 potentially could be different than the evidence because
22 that part of a firearm was changed out, and that's what
23 comes in contact. But the breech face agrees; therefore,
24 we are able to identify it there.

25 Q. Okay. I think we were talking about cartridge

1 casings, but I guess the same earlier question with
2 regards to a projectile. So projectiles are obviously
3 three dimensional as well. So if you see what you
4 determine to be sufficient agreement for individual
5 characteristics in one section but not in another section
6 once you rotate that projectile, then what does that mean
7 for your analysis?

8 A. So with a projectile, it is all basically the
9 same tool, you know, as it's rotating, creating the
10 rifling pattern in the barrel of the firearm. Therefore,
11 as we're doing our bullet comparison, again, once -- we
12 will put it on our scope. We will find what's called the
13 phase. So, basically, we find a land or groove that
14 allows us to get it aligned -- basically that this groove
15 is in agreement with this groove, or this land is in
16 agreement with this land -- and we will rotate it around
17 the axis and look for agreement in each of them.

18 Agreement and the detail that is translated onto
19 these firearm components, whether it's a cartridge case or
20 a bullet can kind of be thought of like a stamp. When you
21 take a stamp and you touch it to the ink pad and then you
22 hit your stamp multiple times in a row, some areas show up
23 better in the various stamps, but the overall pattern of
24 that stamp or the overall pattern that is being translated
25 from that firearm or that tool is there and significant

1 and the same. So some areas might show up better on
2 different test fires or different projectiles or pieces of
3 evidence as well, but we're looking for that overall pin
4 pattern to be in agreement.

5 Q. Okay. Is there anything more about like the
6 general practice -- well, actually, sorry. I think the
7 next thing I wanted to talk to you about was the kind of
8 practice of comparison. Because you had mentioned
9 verification.

10 A. Okay.

11 Q. And I'm assuming, but please correct me if I'm
12 wrong, that the verification comes before you're able to
13 like finalize your conclusions, or do you finalize your
14 conclusions and then they get verified?

15 A. So I come to my conclusion. It's documented
16 what my conclusion was, and then another qualified analyst
17 comes in, looks at my evidence and comes to their
18 conclusion. And when -- if we're in agreement, she signs
19 the worksheet that says, yeah, verified the ID and we're
20 good to go. And then I'll take both --

21 Q. Okay. So let's talk -- I'm sorry.

22 A. Sorry. And then once that's verified, I can
23 continue on and generate a report with the said
24 conclusion.

25 Q. Got it. So why don't we talk about the

1 conclusions that you can make. Like, what's available to
2 you in terms of conclusions?

3 A. Okay. So the first -- identification is the
4 first conclusion we can make. It's whether or not these
5 two items were fired from the same firearm or the
6 submitted firearm.

7 The next conclusion could be an inconclusive
8 positive, meaning that all of the class characteristics
9 were the same. However, I saw some similarities
10 throughout the markings; however, there's not enough there
11 for me to say whether or not this was the firearm or not
12 or they came from the same firearm.

13 Then we have an inconclusive, just a straight
14 inconclusive. Some people refer to it as a neither/nor,
15 meaning the class characteristics were the same; however,
16 I do not have enough detail to go either which way.
17 whether I saw similarities or differences, there's just
18 not enough detail present for me to draw a more definitive
19 conclusion.

20 Then we have inconclusive negative. So that --
21 the class characteristics are again the same; however,
22 we're seeing some differences in the detail that is
23 present. It's just not enough for us to go to an
24 elimination.

25 Then with an elimination, we have two different

1 ways that we can eliminate something. We either have a
2 difference in those class characteristics, or if we are
3 eliminated, then we can eliminate on individual detail.
4 Like, there is so much differences here, there's
5 sufficient disagreement in all of these areas that we're
6 able to then eliminate on that individual detail if the
7 class characteristics are the same.

8 Then the final thing -- then we can determine
9 suitability, which is what we do first. I apologize.
10 whether or not something is suitable even for comparison.
11 whether -- sometimes we get like led fragments or that
12 kind of stuff. Sometimes there's just not detail for us
13 to use at all, and that would just be unsuitable or no
14 value for microscopic comparison.

15 Q. Okay. So I want to talk about some of the
16 phrases that I've just heard that are a little bit new.
17 So we've talk about sufficient correspondence or
18 sufficient enough, sufficient agreement. You just
19 mentioned sufficient disagreement. So can you define that
20 for me?

21 A. So, basically, it's kind of the opposite. It's
22 we are seeing so many differences. Like the parallel
23 lines, nothing is lining up. Nothing is in agreement.
24 we've got have different gross shapes that just aren't
25 agreeing. There's nothing that's saying, hey, this is the

1 same. This is saying, hey, these are all different.

2 Again, we look at known non-matches in our
3 training as well. So basically saying we know this and
4 this came from a different firearm. This is the level of
5 disagreement you should see when you have two different
6 firearms. So, basically, it's kind of the opposite of
7 there's a lot of differences here versus there is enough
8 agreement here type of thing.

9 Q. Can we talk about all those conclusions or --
10 yeah, conclusions in like a practical level. So
11 suitability I think is pretty obvious. You described that
12 as like whether or not the item is even suitable for
13 comparison. So I think we probably got that covered,
14 unless I got something wrong with suitability.

15 A. No, that's what it is.

16 Q. So assuming that something has passed the
17 suitability test, then it sounds like the other potential
18 conclusions are available to you with regards to a
19 comparison. Is that right?

20 A. That is correct.

21 Q. Okay. So I guess why don't we start again at
22 the top. Practically speaking, when your conclusion is
23 identification, what is it practically that you're saying?

24 A. I'm saying that this item was fired from either
25 this item, or these two were fired from the same firearm.

1 Q. Okay. Is there any kind of caveat like that we
2 hear on television, like to within a reasonable degree of
3 scientific certainty or anything like that?

4 A. No, ma'am.

5 Q. Okay. So yours is concrete, definite? Like, if
6 I'm saying identification, Item 1 was definitively,
7 definitively fired out of Item 2?

8 A. I'm saying in my expert opinion, this is my
9 testimony as an expert, my opinion based off my
10 examination that I've concluded, this item was fired from
11 this item, or this item was fired from the same firearm as
12 this item.

13 Q. Okay. So no probability statistics or anything
14 or no caveats go into the conclusion of identification.
15 Is that right?

16 A. That's correct.

17 Q. Okay. And I think the next one was inconclusive
18 positive.

19 A. Yes.

20 Q. Can you talk to me about what that means at a
21 practical level?

22 A. A practical level means I can't say for sure. I
23 don't know. It's still an inconclusive. I can't say
24 whether or not this came from this firearm or the same
25 firearm. I'm just saying, hey, I saw some similarities

1 here that potentially could be, but I don't know. The
2 answer is I don't know. I just saw some similarities
3 here.

4 Q. Because of what you described in terms of the
5 definition involved in agreement between class
6 characteristics, are you able to say anything in terms of
7 the inconclusive positive about -- if we're talking about
8 a cartridge or a projectile and a firearm that you're
9 saying is inconclusive positive, are you able to say that
10 that means that the cartridge was fired at maybe not this
11 particular -- I can't say definitively that it was this
12 firearm but that it was the same make, the same model?

13 A. I can't definitively say that. I can say it
14 could be this or, you know, something of a similar make
15 and model or similar type of firearm. The answer is just
16 I don't -- I don't know. I just saw some similarities.

17 I can't give you -- you know, there are some
18 types of cartridge cases where we can say these types of
19 marks are consistent with this type of firearm because
20 they're a little bit more specific to -- like some
21 manufacturers use different types of marks a little bit
22 more frequently. Like a Glock, when we see a D shape
23 firing pin impression, we tend to say, okay, Glock is the
24 main one that does that. There's a few other smaller ones
25 that use Glock or that D shape as well. But there's some

1 that have a little bit more of a specific shape that they
2 use that we could say, hey, this could be consistent with
3 this. But this is not -- there could be among possible
4 others type of caveat with that type of statement.

5 But like if I have an inconclusive positive, I'm
6 saying I see similarities. It could be a different make
7 and model. It could be a different firearm. I'm just
8 saying I see some similarities.

9 Q. Okay. How about for inconclusive?

10 A. That is straight I don't know. We are lacking
11 detail for any -- basically anything. I'm saying, yeah, I
12 see the class characteristics, but there's just not enough
13 marks. Could be due to damage. Could be due to this just
14 didn't mark very well. And I just -- I can't give you
15 anything. I just -- I don't know. There's not enough
16 here.

17 Q. Inconclusive negative, practically speaking.

18 A. Yeah, practically, it's opposite of the
19 positive. So all those class characteristics, again, I am
20 seeing agreement in; however, I'm seeing some differences.
21 I'm like, this isn't showing up. This is a little
22 different. This is here. That's just not -- I'm not
23 seeing enough to be able to eliminate. Like, there's not
24 so much differences that I'm like, wow, this is not your
25 gun. Again, I cannot say. The answer is still I don't

1 know. I'm just seeing differences, more differences than
2 nothing or similar things.

3 Q. And then I think the last option is eliminated.
4 Is that right?

5 A. That is correct.

6 Q. Okay. And so that seems pretty straight
7 forward. Just like definitively this item was not fired
8 from this firearm, if that's the comparison?

9 A. Yes. So when it's the class differences, yeah,
10 this is -- this didn't come from this. When we've got the
11 individual, I'm saying I'm seeing so many differences,
12 yeah, this did not come from this type of thing. So it's
13 basically the opposite of the identification.

14 Q. Okay. And I think this leads us next because
15 you said that once you form your conclusion, the
16 comparison goes to a verifier. Is that right?

17 A. Uh-huh.

18 Q. Is that a yes, sorry, for our record?

19 A. Yes. Sorry.

20 Q. You're good. So can you walk us through what
21 that process is, the verification process?

22 A. So basically what happens is, once I've come to
23 my conclusion, I've written it down on my documentation.
24 I'm -- for example, I'm ID'ing Item 1 to the Item 2
25 firearm. I will call my tech reviewer or shoot her an

1 e-mail and be like, hi, I'm ready for a review or
2 verification when you get a minute. She will come to my
3 scope. I will hand her, I need these two items verified,
4 and she will put them on my scope. She will look at them
5 and say, okay, I see, you know, an identification here. I
6 say, yeah, that's the same thing I did, and she'll sign
7 off if she agrees.

8 Q. what is -- what do you have verified? Is it
9 every conclusion, or is it only particular conclusions?

10 A. We have every conclusion verified. So if I make
11 an identification, I call for a verification. If I have
12 an inconclusive, I call for a verification.

13 So the only thing that we do not -- I apologize.
14 I misspoke. The only thing we do not have verified is a
15 class elimination because we can objectively document
16 that. So if I say that this cartridge case has a circular
17 or hemispherical firing pin impression and I say this one
18 has an elliptical firing pin impression, that's
19 objectively. You can see that difference in my
20 documentation. So that's not verified on the scope. They
21 review that. You know, okay, you documented this is a
22 hemispherical. This one is an elliptical. Yeah, that's a
23 class elimination. So that's not verified. But all of
24 the --

25 Q. when you're talking about -- I'm sorry, go

1 ahead.

2 A. All of the conclusions based on the individual
3 detail are verified.

4 Q. Is the suitability, like the determination to
5 even move on past suitability, is that verified? Like, if
6 you say that something isn't suitable, are those items
7 also shown to your verifier?

8 A. No. I apologize. That is not also verified.
9 If we've determined something is not suitable, that's not
10 verified either.

11 Q. And I think you sort of described it to us, and
12 you showed us, because we're visual people, that you would
13 like show your verifier the two items that you're talking
14 about for comparison. Does your verifier get anything
15 else or just the two items?

16 A. What do you mean?

17 Q. So I know just because I've seen your file that
18 you take notes as you're going. So do they get
19 everything, like all of your work product up until that
20 point such that you arrived at your conclusion?

21 A. It's next to them, but most of the time they
22 just -- I give them the evidence. They put it on the
23 scope. They say, you know -- they look at it, and they
24 go, I'm ID'ing on firing pin here, and I go, yep, that's
25 the same place I did. Then they'll come and sign this.

1 If it's like a difficult identification, they'll
2 be like, hey, you know, like, what area did you use?
3 Like, you know, and I say, hey, you know, I used this
4 area, and then they can align it. But I don't align it
5 for them. I don't do any of that. I just hand them the
6 items. They put it on the scope, and they look at it on
7 their own and see what conclusion they draw. The papers
8 are sitting next to them, but we don't go, okay, let me
9 see and then do the verification.

10 Q. Does the verifier take notes in the process?

11 A. They document the area they use. So if they go
12 on and say ID on breech face, they'll come in and say,
13 yeah, ID'd on breech face.

14 Q. Okay. And do you -- I know you mentioned ten
15 analysts, including senior analysts, although I know two
16 are in training right now. Do the analysts work as
17 verifiers of other analysts, or is it a supervisor's role?
18 Like, who is the verifier, I guess?

19 A. So the verifier is another qualified analyst.
20 So the analysts do the verifications as well. You're not
21 released to do verifications or reviews until you've been
22 on the bench for six months. So you are straight just
23 working casework for the first six months of doing, and
24 then you have to take basically a test to prove that you
25 can do the process, and then you can be released to do the

1 verification and review process.

2 Q. Okay. So I guess I should take it from your
3 experience that you are also a verifier. Is that right?

4 A. I am.

5 Q. Okay. And is it all just within the ten of you?
6 Like, you verify each other's work?

7 A. Yes. We rotate partners every few months, and
8 we verify for each other.

9 Q. Oh, okay. So you would have a verifying partner
10 for a period of time. Is that right?

11 A. Yes. So we have, like, rotating. Because with
12 trainers and training and stuff, we have to kind of, you
13 know, balance it out. So we have a tech partner. We'll
14 tech for each other. And then we have a separate person
15 who does an administrative review as well, and then we can
16 switch. But say your partner is not here. You can call
17 anyone who is qualified to do a verification in the
18 section, and they can come do a verification for you as
19 well.

20 Q. Okay. Is Byrd -- Mr. Byrd, because he's a
21 supervisor, is he also a verifier, or is he reserved if
22 there's an issue with verification?

23 A. He is our contact if there is an issue; however,
24 I do not believe he is proficient anymore, so he does not
25 do verifications anymore. He's been off the bench for

1 three or four years at this point.

2 Q. Got it. Okay. Have you ever -- have you ever
3 had any kind of disagreements with your verifier?

4 A. There have been disagreements. I have had
5 disagreements. If there is a disagreement, we have a
6 conversation. We discuss what the disagreement is. It's
7 normally like a one step off. Like, this person wants to
8 identify it versus this one thinks it just should be an
9 inconclusive positive. Like, they didn't see enough here.

10 At that point, we will discuss, show each other
11 what we're seeing, come to a resolution. If we cannot,
12 we'll bring in a third examiner, basically as a third
13 verifier, third set of eyes to determine, and we will work
14 through it. We won't release a report that has not been
15 verified or confirmed.

16 Q. Is that initial disagreement documented in the
17 report or in the notes?

18 A. It would be -- it would be in our notes because
19 we would cross out and initial and date and say, you know,
20 hey, this is now the conclusion. It's initialed and dated
21 when we do have a disagreement like that.

22 Q. I guess kind of specific to this case, was there
23 just one verifier for like the kind of corpus of these two
24 cases that you were working on?

25 A. May I check my notes? I believe there was.

1 Q. Absolutely. Go right ahead.

2 A. Sorry. There's a lot of pages.

3 Q. You're fine. There is well over a hundred.

4 Take your time.

5 A. Yes. It looks like I have the same verifier for
6 everything in this case.

7 Q. Okay. The person that I read as your verifier
8 is Marlene Alvarez. Is that right?

9 A. That is correct.

10 Q. Okay. What is she in the unit? I know we
11 talked about the variety of different roles.

12 A. She's a crime laboratory analyst as well.

13 Q. Okay. Not a senior analyst? Regular analyst?

14 A. Regular, yeah.

15 Q. And so because you just described there would
16 have been a period of time when you were partnered; so you
17 would have been her verifier, she would have been your
18 verifier for all the cases that you worked during however
19 long that was?

20 A. I don't remember if I was her verifier at the
21 time. Sometimes it's like a circular type of thing. Our
22 supervisor puts out who is verifying for who when. I
23 don't remember if I was her verifier at the time.

24 Q. Maybe we can dig into this some more. So when I
25 was looking at the chain of custody, it looked like for a

1 variety of the items, the evidence went to you and then
2 was like transferred unsealed for verification I'm
3 assuming to Ms. Alvarez, then back to you transferred
4 unsealed, and then back to her transferred unsealed for
5 verification like multiple times. Do you know why that
6 was? And it was dates in both March and I think into
7 April. If you want, I can be more specific about the
8 items.

9 A. I think it was Item 27?

10 Q. There were a number of items. I'm looking at --
11 actually, it occurred under both case numbers. As an
12 example, Item 1 test fires, 3/18 -- well, 3/17, it was
13 with you. 3/18 --

14 A. I can remember why this happened.

15 Q. Okay. Tell me.

16 A. So in this situation, I believe that initially
17 there was -- I believe this initially was not a full micro
18 exam and then changed to a full microscopic exam. So I
19 had to go back and do additional work because it became a
20 full microscopic examination, I believe. So then after
21 the initial verification of what I had worked initially,
22 additional work was needed to be done; therefore, it had
23 to go back to her for more verifications.

24 Q. Let's break that down. Why did that happen that
25 it was like not an initial full micro -- I'm assuming

1 that's short for microscopic examination?

2 A. I apologize, yes.

3 Q. Fair. Why would it not have been a full
4 microscopic examination and then have become a full
5 microscopic examination later?

6 A. That -- I do not remember the exact reason for
7 that request. I want to say -- I do not remember why.

8 Q. Would that have been documented somewhere?

9 A. I do have on my -- I don't know if you have the
10 purple -- it's my purple worksheets, the cartridge case
11 and screening worksheet.

12 Q. Which case number? Can you just orient me? Is
13 it 1256 or 1259?

14 A. Five-six.

15 Q. And you said purple?

16 A. Yes. I don't know if you have colors.

17 Q. Sorry, it got blurry. Let me see if I can
18 screen-share just so I can be sure we're on the same page.

19 A. I just have at the bottom of that, it said turn
20 into full micro, see cartridge case worksheet. But I do
21 not -- I would have to go back and see if there was a
22 narrative or whatnot to see why this was turned into a
23 full micro.

24 Q. I do see that. So does that refer us back to
25 the cartridge case worksheet?

1 A. Yes, which would -- yeah, those would say --
2 because those purple worksheets are what we call our
3 screening worksheets, meaning that the items were screened
4 together based on class and individual, but they weren't
5 fully compared. So it's more of a presumptive, hey,
6 there's similarities here. The class characteristics
7 agreed they were screened together, but they change into a
8 full micro, meaning I needed to go further to come to a
9 further conclusion, whether it was ID'd inconclusive or
10 eliminated, and then that would be verified.

11 Q. Okay. And you think that the documentation of
12 why that would occur might be on the cartridge worksheet
13 or sheets?

14 A. I'm not seeing it on those. It could have been
15 a verbal from my supervisor. That could be my bad. I
16 forgot. I do not recall why it changed to a full micro.

17 Q. Okay. And I think this might be a related
18 question, but let me just orient myself where I want to
19 be. Yes. Okay. The firearms case notes worksheets,
20 which I think is white -- I don't know if that helps. Do
21 you want me to screen share it with you?

22 A. If you tell me what's on the page -- I think I
23 have a couple of those white sheets.

24 Q. So it is just writing, and it starts with
25 packaging.

1 A. Okay.

2 Q. Do you see it?

3 A. Yes.

4 Q. Okay. If you look at the very bottom, there's
5 like a start date and an end date and then obviously
6 handwriting in there. Do you see that?

7 A. Yes.

8 Q. So I see a start date of 2/17, which seems to be
9 consistent kind of across the board for both case numbers.
10 So the end date, you have written in 3/28/25. It looks
11 like it's the same color. And then that's scratched out,
12 and your initials are there and 4/11 or 4/1. I can't
13 quite tell because it's over a line, so maybe you can
14 decipher. It looks like 4/1 or 4/11/25. Can you explain
15 what happened there?

16 A. Yeah. It was determined that the additional
17 work was needed prior to this case actually being
18 completed and released. But I had written that in, and
19 then I was like, oh, this needs additional work. So I
20 crossed it out, and when I actually completed all the
21 work, I put the corrected date. That is 4/1.

22 Q. So is that additional work, is that what we
23 talked about a few moments ago with regards to not a
24 microanalysis and then becoming a microanalysis that then
25 also needed verification?

1 A. I believe so, yes.

2 Q. All right. Let me just see. Before we really
3 get into the nitty-gritty, I just want to see if there's
4 anything else. Oh, yes, I have another kind of general
5 question about in the chain of custody, there's an
6 alphabet designation for person and location, like A, B,
7 C. Do you know anything about that?

8 A. I do not. If I saw it, I might. That does not
9 register with me.

10 Q. Okay. Like, as an example, I'm looking at the
11 chain of custody. Let's say --

12 A. I do not have the chain of custody in front of
13 me.

14 Q. Okay. So let me -- here, I'll share it with
15 you. Maybe we can decipher this together. Are you able
16 to see this? It's 1256, the chain of custody.

17 (Brief pause for technical interruption and
18 deposition resumes as follows:)

19 THE DEPONENT: I apologize. I have no idea why
20 my computer did that.

21 MS. SEIFER-SMITH: It was obviously we're done.

22 THE DEPONENT: I'm sorry about that.

23 MS. SEIFER-SMITH: You're fine. Do you need a
24 moment?

25 THE DEPONENT: No, I'm good.

1 BY MS. SEIFER-SMITH:

2 Q. So are you able to see the screen-share? I have
3 1256.

4 A. Yes.

5 Q. You see the column location, person?

6 A. Yes.

7 Q. I can also zoom in if you want it larger.

8 A. I can see it for now.

9 Q. Okay. So I'm just go to scroll down. Oh, maybe
10 I've gone too far. So here, there's like these letters
11 underneath. Do you see that? It's like A -- sorry, just
12 so we're oriented --

13 A. What item is that?

14 Q. So it's Item 2. It's the magazine from the
15 Smith & Wesson.

16 A. Okay. I do think I understand that. So for the
17 firearms submitted and the magazines submitted, they were
18 in what we call a container. Because the agency referred
19 to them as two different item numbers. So they come in to
20 FDLE as two separate item numbers but were in the same
21 container. So they were in container A, but they're FDLE
22 Items 1 and 2 in container A I believe is what that is.

23 Q. Okay. So would that be the same here? I'm just
24 scrolling down. Like, the Taurus is Item 3, and
25 underneath the location person column is a B.

1 A. Yes. That is what I believe it to be because
2 Item 3 and Item 4 are in container B. So I think that's
3 what that is.

4 Q. Okay. That makes sense. It was just kind of a
5 mystery to me. All right. I'm going to stop sharing.
6 We're back. Let me just see. Okay. I think we can
7 probably dig into things. So how did you get involved in
8 this particular case?

9 A. So I got involved with the case when my
10 supervisor assigned me the case when it was submitted to
11 the laboratory.

12 Q. Okay. And when was that?

13 A. I do not recall when I was assigned it, but I
14 did start the case on 2/17 I believe, 2025.

15 Q. Okay. I have -- obviously, I'm looking at the
16 chain of custody forms, and there's this document, which
17 it says case tracking form on it.

18 A. Uh-huh.

19 Q. And that looks like it was -- it indicates
20 received by Thomas Carlson and received on date of
21 2/11/25, so February 11, 2025. Does that sound about
22 right?

23 A. Yeah. That's when it was submitted to the
24 laboratory.

25 Q. Okay. And who is Thomas Carlson?

1 A. He is one of our evidence technicians.

2 Q. Okay. So what would his role have been then
3 with regards to this case?

4 A. He -- since he's the one who received it, he
5 would be the one who would accept it in the system from
6 the agency. I'm not exactly sure how that works. I've
7 never worked in the evidence section. But they take it
8 in. Once it gets taken into the laboratory, it gets
9 placed into the evidence vault until we sign up at the
10 evidence window to check out the cases, at which point one
11 of the evidence techs would take it out of the vault and
12 check it out to us via chain of custody in the LIMS
13 system, the Laboratory Information Management System.

14 Q. So when you say LIMS, you're talking about your
15 internal system?

16 A. Yeah. That's the Laboratory Information
17 Management System. It's the tracking system that we use
18 to track our evidence, write our reports, that kind of
19 stuff.

20 Q. Okay. When you get -- when you got assigned
21 this case, you said it was assigned by your supervisor.
22 So it was assigned by Mr. Byrd?

23 A. That is correct.

24 MS. SEIFER-SMITH: And I'm sorry, Tammy. Byrd
25 is B-Y-R-D.

1 THE REPORTER: Thank you.

2 Q. So do you get the case tracking form upon
3 assignment?

4 A. Yes. So basically what happens is, the evidence
5 section I believe gets those forms, creates a folder for
6 us. And once all of that is done for the day, they are
7 given to my supervisor, and he takes all of the folders
8 and then assigns them to us. So we received the folder
9 with the case tracking form when we are assigned a case,
10 and then we take that to the evidence section to check out
11 the evidence.

12 Q. Do you get any other kind of documents or just
13 the case tracking forms?

14 A. Normally it's just the case tracking form.
15 Occasionally an agency will submit additional paperwork
16 with it, and sometimes that gets put in the folder. I
17 think in this case all I got was case tracking forms.

18 Q. Okay. Do you have the case tracking form for
19 1256?

20 A. I do.

21 Q. Okay. The offense information, is that all
22 filled out by the agency that's sending the items over?

23 A. It is, yes.

24 Q. Okay. So you don't know why it says death
25 investigation, poisoning/tampering?

1 A. That's all done from the agency side of things.

2 Q. Okay. And there's an investigating agency
3 information. It says attention investigator INV Tiffany
4 Jordan. Did you ever have any contact with Ms. Jordan?

5 A. I do not remember. I would have to refer to the
6 narratives, the communication log.

7 Q. Okay. Do you typically reach out to the agency
8 at all doing your work or finalizing work?

9 A. The only time I would reach out is if there's a
10 discrepancy or an issue that needs to be addressed during
11 the course of the casework.

12 Q. Okay. And would that be documented somewhere?

13 A. Yes. That would be documented in the
14 communication log.

15 Q. Okay. So you have the case tracking forms for
16 each of the case numbers available to you, and we have --
17 I guess we'll use your case numbers ending in [REDACTED] and
18 1259, if you'd like. That's probably the easiest way to
19 talk about it, right?

20 A. Yeah. For me it is.

21 Q. Fair.

22 A. Thank you.

23 Q. Okay. So there's some comments in both kind of
24 at the end where it says pre-log comments. Do you read
25 those?

1 A. I sometimes do because sometimes there's
2 information in there. So in this case, there's the
3 cross-reference information, meaning they wanted
4 additional, like, casework to a different case that was
5 submitted to us. So we do skim those to make sure we're
6 not missing any additional information that we need to be
7 able to perform our casework.

8 Q. Okay. These are amongst the shortest comments
9 I've ever seen actually. I've seen pretty long
10 narratives. I'm sure you have too, right?

11 A. Yeah.

12 Q. And just because it's directly underneath those
13 comments, there's a submitted by and received by.
14 Obviously, we talked about received by Thomas Carlson.
15 Submitted by is Matthew Deconti. Do you know that name?

16 A. I do not.

17 Q. Okay. So you don't know that you've ever had
18 any conversations with this person?

19 A. I do not recall.

20 Q. Okay. Is the presumption that Mr. Deconti is
21 from the submitting agency then since it says submitted
22 by? Is that what we should assume?

23 A. Yes, I believe so.

24 Q. Okay. All right. So you said your work started
25 on 2/17, 2025. Obviously, we're talking or we're looking

1 at items that like the genesis of them in terms of an
2 evidentiary meaningfulness was from 2021 from like what it
3 says, right, in terms of date?

4 A. Yeah. The offense date I see, yeah, is from
5 2021.

6 Q. Is that meaningful to you in any way for your
7 work?

8 A. No.

9 Q. And why not? I mean, that's a period of four
10 years.

11 A. For my job, my job is to just examine the
12 evidence that's submitted to me, to examine cartridge
13 cases, fired bullets, and the firearms to determine
14 whether or not they were fired from the same firearm or
15 the submitted firearm. When an offense occurs or when it
16 gets submitted to me has no kind of bearing on the type of
17 examination I conduct.

18 Q. Is it possible for there to be any kind of
19 degradation of the evidence over the course of the four
20 years?

21 A. A lot of times I don't see that type of damage
22 and stuff. If it was maybe thrown in water, rusted, that
23 kind of stuff potentially could, but I don't recall these
24 being in that poor of condition.

25 Q. I saw that your description of some of the items

1 indicate biological fluid, things like on them. So I
2 imagine -- I mean, I don't think either of us are
3 biological scientists, but I imagine that can have some
4 effect on your evidence over the course of four years.

5 A. I've not personally done a study on that, so I
6 don't know. I can only examine the evidence how I receive
7 it.

8 Q. Okay. Did you note any kind of indications of
9 like rust as a result of being exposed to biological
10 fluids or any kind of like impairment as a result of that
11 kind of contact?

12 A. On what? On anything? On any of the items I
13 received?

14 Q. I guess we can probably come back to that
15 because we'll talk about the individual items. Does that
16 make more sense?

17 A. Yeah, because I would have to look through all
18 of them. Because I think some of them might have had a
19 little bit -- so like on one of the firearms maybe a
20 little bit of rust or blood on the slide. But that
21 generally, if it's on an area where I would use for marks,
22 I would explicitly mark that, but if I just say the slide,
23 I generally mean the exterior part, and that part does not
24 come into contact with the fired components.

25 Q. Okay. So I guess we'll put a pin in the

1 specific items, but as a global kind of question, did you
2 see any kind of degradation of the evidence because of
3 passage of time?

4 A. Not that I recall, no.

5 Q. Okay. So you get the assignment on 2/17. You
6 get it sounds like a folder with the case tracking form
7 for each separate submission that was made. You told me
8 that you then go to -- I guess it sounds like an office,
9 like an evidence office to, what, pick up the evidence
10 itself?

11 A. Yes. So we have a window between the lab and
12 the evidence section, and we will put a folder up there.
13 We have set times where they will pull evidence for
14 analysts. So I will have my folders in. An evidence tech
15 will pull the evidence from the vault. They put it into
16 their own custody. So it's another trackable thing of
17 this is the person that removed it from the vault. Then
18 they will transfer it to my custody, and I will take it
19 back to my workspace and either start it or put it away
20 until I'm ready to start it.

21 Q. Okay. And when did you begin your work on the
22 case? Is the 2/17 just indicating that like you have
23 requested the evidence?

24 A. No. That's the date I started working the case.

25 Q. Got it. Okay. So that's what it also says

1 start date 2/17 on the initial form?

2 A. Yes.

3 Q. So tell me about the first thing that you do
4 once you receive the evidence to begin your work.

5 A. So the first thing I'll do is make sure that I
6 received all of the items of evidence that I was supposed
7 to receive. So I'll compare what I received to the case
8 tracking form to make sure that all the items are in my
9 custody that are supposed to be in my custody.

10 Once I verify that I have all of the items, I
11 will then begin my inventory process. So I will begin
12 opening the items of evidence. If it's a firearm, I'll
13 open it, make sure it's in a safe condition. Inventory
14 what's in each item of evidence, and that's that case
15 notes worksheet where I indicate packaging. That's my
16 inventory. So I say what the packaging is, and I document
17 what is in every item of evidence.

18 Q. And by this time, it seems like one of the
19 boffins in the evidence room has already given FDLE item
20 numbers. Is that right?

21 A. As the items are coming into the laboratory,
22 that's when they're assigned. So they're given an FDLE
23 item -- case number and item number when they enter the
24 laboratory. So they would have gotten those. They'll be
25 assigned an FDLE case number and then their respective

1 item numbers on 2/11 when they came in.

2 Q. what makes sense to you in terms of going
3 forward to like document your work? Should we do one case
4 first and then another case? Do you have a preference for
5 which one we start with?

6 A. I do not. whatever works for you.

7 Q. Okay. Do you recall which one you started on
8 first? Because I imagine since they're under two
9 different case numbers, you probably started one before
10 the other.

11 A. It looks like I started 1256 on the 17th and
12 1259 on the 18th.

13 Q. Okay. So let's start with 1256 then.

14 A. Okay.

15 Q. So you said the first thing that you do is
16 obviously make sure that you have everything like
17 physically in front of you what's documented on the case
18 tracking form.

19 A. Yes.

20 Q. Was that true? Did you have everything?

21 A. I believe so, yes.

22 Q. Okay. And you document exactly what you have
23 and whether or not there's any kind of damage I guess to
24 the packaging, et cetera, which I see on your worksheet.
25 Is that right?

1 A. Uh-huh. Yes.

2 Q. So for D, which I think is Item -- sorry, I have
3 to flip back and forth -- 7 and 8, so the Haskell, there
4 was a small manila envelope that was ripped?

5 A. Yes. So the exterior sealed black box was
6 sealed. There was no indication of any damage there.
7 However, on that inner sealed manila envelope, it was one
8 of the ones with the plastic film window, and that plastic
9 film was ripped when I opened the exterior box. So I
10 remedied it by taping it closed.

11 Q. Any kind of like damage or anything done to the
12 item that was inside of it, the firearm or the magazine?

13 A. Not that I could tell, no.

14 Q. Okay. And for Item No. 9, just looking at your
15 case notes worksheet, this is kind of scratched out. What
16 happened there?

17 A. I -- so we don't generally open unfired
18 ammunition because we don't do an examination with those
19 generally. However, later on in my examination, I
20 determined I needed to shoot different types of ammo, and
21 since I had submitted ammo, I used that for my test
22 firing. Therefore, I had to then open that item of
23 evidence. So that's why where I have "said to contain"
24 based off of what I received on the CTF was changed to
25 this was actually opened, and this was the item of

1 evidence that was in that item.

2 Q. Okay. So the "said to contain" would have been
3 written on 2/17, and then when you scratch that out and
4 put in what it was known to contain, when was that done?

5 A. I do not recall the date it was done. It was
6 just during the course of my examination.

7 Q. I think I see a 4/1/25. It's very tiny. Does
8 that seem right?

9 A. That was because during -- I forgot to include
10 the word caliber in that when I initially wrote it. So
11 during the review process, they were like, hey -- it was
12 an additional edit that I needed to make during the review
13 process. So that's why that has a date by it is because I
14 needed to add the word caliber in there.

15 Q. Okay. So the 4/1 is just referring to the
16 caliber or the writing out of caliber?

17 A. Correct. But the changing of it from said to
18 contain to actually opening it just happened during the
19 course of my examination. I did not date that change.
20 Because if it happens during while we're still working the
21 case, we don't need to date that.

22 Q. Okay. And so it sounds like that rationale is
23 true in terms of the cross out and the relabeling with
24 respect to Item No. 15?

25 A. Yes.

1 Q. Okay. And I'm curious about the scratch outs on
2 the second page of the case notes worksheet towards the
3 bottom.

4 A. Uh-huh.

5 Q. So it says Items 30B and 30C, not examined per
6 fragment rule. Approved by CLAS Byrd. And then this is
7 ultimately scratched out at some point. Can you tell me
8 about that?

9 A. Yes. That was I believe due to this being
10 required for full microscopic, everything that needed to
11 be examined. The fragment rule is per approval from a
12 supervisor. If items are potentially removed from the
13 same area, we choose the intact one or the more intact,
14 more in best condition item for comparison. But due to
15 this becoming a full microscopic, they then needed to be
16 examined. So I crossed out the non-examined and further
17 examined them.

18 Q. So is fragment rule just something kind of
19 colloquially used, or is it like a full standard operating
20 procedure within the lab?

21 A. I believe it's -- I believe it's in our standard
22 operating procedure per supervisor approval though. We
23 can't just decide to do it. It requires approval to do
24 that.

25 Q. Okay. And so -- sorry. Tell me the fragment

1 rule again.

2 A. It's if fragments are removed from either the
3 same wound track or the same, like, recovered area at a
4 scene or whatnot that we can choose the most intact
5 portion from that wound track or area to do the comparison
6 rather than all of the small additional fragments as well.

7 Q. Okay. So the case notes worksheet is just
8 documenting everything that you receive, so opening up
9 packaging, determining what it says to contain, it does
10 actually contain. Any particular issues there?

11 A. I think the only change or discrepancy I noted
12 was for Item 14. Initially on the case tracking form, it
13 said one live round in chamber of Taurus PT11-TUF64370,
14 but based on the packaging that I received, there was
15 actually nine live rounds.

16 Q. Got it.

17 A. So I just indicated in parenthesis, hey, this is
18 what it actually says and updated the case tracking form.

19 Q. Okay. So you had more ammunition than you
20 thought you did rather than less?

21 A. Correct.

22 Q. Okay. After having documented all this,
23 obviously you left space for yourself for the conclusions,
24 which wouldn't have been made that day I'm assuming or
25 that moment certainly.

1 A. Oh, yes, correct. The conclusion summary was a
2 document I generated after all of the conclusions were
3 done and verified. That way I had it in a central
4 location in my case file.

5 Q. Okay. Then what did you do.

6 A. So after inventorying the items, I will then
7 grab the appropriate worksheets for the different types of
8 evidence, so a firearms worksheet versus a cartridge case
9 worksheet, projectile worksheet. I will then fill out the
10 worksheets with their pertinent information regarding the
11 respective items.

12 If it's a firearm, I will determine it's safe,
13 check everything that needs to be checked on that, take it
14 to the range, test fire it, and then document whether or
15 not it functioned properly or not. For a cartridge case,
16 fill out the pertinent information. Again with a
17 projectile, the same information. Once all the worksheets
18 are filled out with their information, I will then move on
19 after test firing and do the appropriate comparisons of
20 the evidence I received.

21 Q. Your worksheets are pretty self-explanatory. I
22 just have some questions. The way the items were --
23 sorry. The way that the firearms were packaged, from the
24 way it reads, it sounds like there was a box, and within
25 the box were separate manila envelopes with -- or separate

1 envelopes at least with a firearm in one and separately a
2 magazine.

3 The ammunition was not in the same box. It
4 would have been separated. But if there was ammunition
5 recovered initially with the gun, there would have been
6 some sort of documentation as to the ammunition that was
7 submitted where it had come from. Am I getting this
8 right?

9 A. I think so. So, yes, for example, container A
10 was a sealed white box, and within that box I had a sealed
11 manila envelope that contained the firearm and a sealed
12 brown paper bag that contained the magazine. So those
13 were separate packaging within the one box container. I
14 believe that on the case tracking form, they did have the
15 unfired ammunition labeled and where they came from via
16 which firearm they removed them from, but that's all
17 documented per the agency's information, and that's
18 just -- they said this case from this gun type of thing.

19 Q. Okay. The Smith & Wesson, was that the only .45
20 that you received, the only .45 caliber in terms of a
21 firearm?

22 A. No. I have the Smith & Wesson, which is FDLE
23 Item 1, was a .45, and I believe the Item 7, the Haskell
24 was also a .45.

25 Q. Okay. Did you receive any unfired ammunition

1 indicated to have -- and I know you didn't do the
2 packaging, so you'd have to rely on another agency, but
3 did you receive ammunition indicated as having come from
4 the magazine of the Smith & Wesson, either from the
5 chamber or the magazine?

6 A. It does not appear to have any submitted from
7 the Smith & Wesson.

8 Q. Okay. So Item --

9 A. No, I misspoke. I misspoke. Sorry.

10 Q. Okay. Yeah.

11 A. Yeah. Items 9 and 10, according to the CTF, are
12 one live round from chamber of Smith & Wesson M&P NCR9743,
13 and Item 10 is four live rounds from the magazine of the
14 same. Yes, so I did.

15 Q. And would that make sense in terms of the
16 firearm? Like, would what you're seeing as documented for
17 the ammunition, would that make sense as having been in
18 the firearm in terms of being a correct caliber?

19 A. So I did not open Item 10, so I just have it
20 based off what the packaging says. But Item 9, I did
21 open, and it was one unfired .45 auto caliber cartridge.
22 So that does make sense for the caliber of the firearm.

23 Q. The notes M&P-NCR9743, does that mean anything
24 to you?

25 A. The M&P is consistent with a partial aspect of

1 the model, and the NCR9743 is consistent with the serial
2 number of that firearm.

3 Q. Okay. Sorry. So we're talking about the make
4 and model of the firearm rather than any kind of specific
5 makes and models of the ammunition?

6 A. Yes. I'm interpreting that as the Smith &
7 Wesson M&P is consistent with the make and model of the
8 firearm, and the NCR9743 is consistent with the serial
9 number associated with that firearm.

10 Q. Okay. So what was the -- what brand was --
11 because you ultimately open nine.

12 A. I did.

13 Q. So what was the brand for that particular
14 cartridge?

15 A. It was Jag ammo.

16 Q. Are you familiar with Jag as an ammunition?

17 A. I've seen it.

18 Q. Okay. Is it something that -- and maybe we
19 should kind of step back for a moment and talk about test
20 fires. Tell me about test fires. I think you mentioned
21 quite a while ago that you do at least three. Is that
22 right?

23 A. Yes.

24 Q. Okay. Tell me about how you do that, like how
25 you arrive at what ammunition to use for a particular

1 firearm or particular case.

2 A. So, generally, I will start with our laboratory
3 ammunition just because we try to not use the evidence
4 ammunition if possible because it is evidence; however,
5 sometimes we need it because we don't have the same make.
6 Using the same make doesn't necessarily -- it sometimes
7 make a difference, sometimes not. Different makes,
8 manufacturers of the ammo use different compositions of
9 their metal a little bit. So the, you know, composition
10 of this nickel primer versus this nickel primer might be
11 slightly different. So how the firearm comes in contact
12 with it and how it marks can potentially be slightly
13 different in the sense of kind of that stamp analogy that
14 I gave earlier.

15 So generally, I will see what I have as the
16 evidence, if I have nickel primers versus brass primers,
17 and I will shoot at least one of each, a nickel and a
18 brass. if I have more nickel primer evidence, I'll shoot
19 a third -- a second nickel as my third test fire. If I
20 have more brass, I'll shoot a second brass primer.

21 We shoot the minimum of three. It's our -- it
22 allows us to see the repeating patterns. Our policy is to
23 shoot a minimum of three as well. So that is our standard
24 operating procedure for comparison cases. So I shoot at
25 least one of each primer, and whatever primer type I have

1 more of in my evidence, I'll shoot that as my third one.
2 If I have the same make, manufacturer of ammo here in the
3 laboratory, I'll choose that as my type of ammo to shoot
4 just because it marks a little bit more similar because of
5 the metal compositions.

6 Q. Do you have a library of ammunition available to
7 you?

8 A. We do.

9 Q. Not so much library because you're not checking
10 it back in, but do you have ammunition that you can check
11 out essentially?

12 A. Yeah. We have a room full of different brands
13 and types of ammunition at our disposal for test firing
14 purposes.

15 Q. Okay. And, I mean, is it a pretty broad
16 spectrum of ammunition that's available to you?

17 A. We try to keep it broad. If it's something we
18 don't have and we don't have submitted ammo, we can
19 potentially order what we need.

20 Q. Okay. So I think just because we're talking
21 about it now, let's talk about Item No. 9. So you
22 ultimately used an item that had been submitted as
23 evidence for a test fire. Is there a particular policy
24 regarding that?

25 A. We are allowed to use that stuff. Our policy is

1 if it's -- we can use it if what we're shooting in our
2 evidence is not producing repeatable, you know, marks. If
3 we don't have that brand of ammunition at the agency, we
4 can shoot what is submitted to us as well. Our policy is
5 we are allowed to use the submitted ammo for test firing
6 purposes.

7 Q. Is there anything that you have to go through in
8 order to use submitted evidence like in a test fire? I
9 guess walk me through that process.

10 A. I would just open the items of evidence. I
11 document, like, the condition I received it in. So that
12 would be documented on the cartridge worksheet. I'll
13 document the different types, the headstamps. I'll
14 indicate this was used for test firing purposes, and I
15 will return it in its original packaging that it came in.

16 Q. Okay. So there's no requirements of
17 communicating with the state attorney's office or with the
18 defense attorney regarding that?

19 A. Not that I'm aware of, no.

20 Q. Okay. And it seems like that wasn't done
21 initially in terms of using Item No. 9 as a test fire. Is
22 that right?

23 A. That's correct.

24 Q. Okay. Do you know when that was done?

25 A. I do not recall. Just during the course of my

1 examination.

2 Q. Okay. So just some time before April 2nd, which
3 is when your report was finalized?

4 A. Yes.

5 Q. And so that would have been considered T4. Were
6 you asked to do a fourth test fire then?

7 A. We -- it's not necessarily I was asked to. I
8 determined that I needed additional test fires in order to
9 complete my examinations.

10 Q. Okay. And how did you make that determination
11 that you needed an additional test fire?

12 A. I -- based off the results I was seeing and the
13 marks I was getting versus the evidence I had, I thought
14 potentially shooting what was submitted would be the
15 closest type of ammunition that was potentially used in
16 order to see how that type of ammunition marked versus
17 when I was test firing from our laboratory reference.

18 Q. Okay. And that was rather than ordering
19 something similar and having it delivered to the lab?

20 A. Yes. Because generally, if we are kind of at
21 that inconclusive range, we will potentially see if it's
22 an ammunition that's causing us to not be able to see
23 agreement and whatnot. So we try to be able to do our due
24 diligence to make sure we're covering our bases in the
25 type of ammunition we're shooting in order to provide the

1 most accurate results possible.

2 Q. Okay. And so with test fires one through three,
3 you were at an inconclusive range and then used Item No.
4 9. Is that right?

5 A. I shot it in order to determine whether or not
6 it was more similar with the type of ammo that I received
7 to see if that potentially could assist in coming to a
8 conclusion for my comparison purposes.

9 Q. Okay. Item No. 9 was not the only item of
10 evidence that you consumed. I think it was also, what,
11 15? Is that right?

12 A. That is correct. I used -- yes, Item 15
13 contained I believe three unfired 9mm Luger caliber
14 cartridges, and I test fired all three of those in order
15 to do comparisons with those as well.

16 Q. So you consumed all of Item 15?

17 A. Yes. I renamed them 15A, 15B, and 15C, and they
18 were all test fired in the Item 3 pistol.

19 Q. Okay. I don't know -- sorry. I know that I
20 jumped ahead. We were talking about firearms. I want to
21 see if I have other questions about the firearms.

22 Okay. So I guess let's talk about the
23 cartridges. So the cartridges or the firearms cartridge
24 worksheet, that -- I think we've just been talking about
25 that 9 and 15A, B, and C for 1256. Is that kind of the

1 extent of the cartridges that were analyzed in 1256?

2 A. I believe those were the only four that I used
3 that were submitted ammo that were examined and used.

4 Q. Okay. And those were actually all cartridge --
5 excuse me. Those were all cartridge casings, and those
6 were used for comparison to cartridges from 1259 for
7 comparison purposes. Is that right?

8 A. Those were all cartridges. So those were -- I
9 received those as unfired cartridges. So those had all
10 four components of a cartridge unfired. So that would be
11 the cartridge case, which houses the primer, the powder
12 within, and the projectile. So they were unfired as I
13 received them, and I test fired them, which would burn off
14 the powder. So there's no longer the powder. But the
15 cartridge case, which is the fired part of the case that
16 has the impression on the primer and the projectile were
17 all then returned.

18 Q. Okay.

19 A. And then, yes, I do believe those were used --
20 they were used for comparisons.

21 Q. Okay. So I want to talk about the -- so you
22 test fired the Smith & Wesson three times, and I think
23 that's what's documented in your firearms worksheet. Is
24 that right?

25 A. It was actually the -- I test fired it. It

1 ended up being four times because T4 was Item 9, that
2 submitted ammo.

3 Q. Okay. So let's talk about T1 and T2 and 3
4 first. So like you're required to indicate like the type
5 of ammunition used. Is that right?

6 A. Yes.

7 Q. Okay. So tell me what was used for T1, T2, and
8 T3.

9 A. So T1 I used PMC230 grain copper full metal
10 jacket projectiles with a brass cartridge case with a brass
11 primer. T2 and T3 were Federal 230 grain copper total
12 metal jacket brass cartridge case nickel primer.

13 Q. Were those different to the ammunition that was
14 submitted having indicated as being in the Smith & Wesson
15 when it was recovered by the agency?

16 A. I only know what was Item 9, and that was a Jag
17 cartridge case at -- that was a nickel cartridge case with
18 a nickel primer was what Item 9 was.

19 Q. Okay. So you didn't know that until you opened
20 Item 9?

21 A. That is correct.

22 Q. Okay. Why were none of the first three test
23 fires, test one, two, or three used for the cartridge case
24 comparison that you ultimately did?

25 A. All of them were used for comparison purposes.

1 It's just documented which one I was able to actually make
2 the identification -- which one I used for the
3 identification, but all of them are used throughout my
4 comparison process because I used them to intercompare the
5 test fires to each other to see what the repeating pattern
6 of the firearm is and then do my comparison to the
7 evidence. And then in this instance, I thought it would
8 be more beneficial to test fire an item that was submitted
9 in order to see the detail provided on those as well.
10 That Item 9 was intercompared with the existing test fires
11 as well.

12 Q. On the firearm cartridge worksheet for Item 9,
13 you note blood, question mark. Is that just based on a
14 visual?

15 A. Yeah. I don't know what it was. It appeared
16 to, you know, look like that to me, but I don't know what
17 it was. We can't determine what's on them. We -- it's
18 just a visual, hey, there's something here, and it kind of
19 looks like this.

20 Q. Did you preserve that in any way?

21 A. I did not.

22 Q. Did you photograph it?

23 A. I did not.

24 Q. And would the firing, like using Item No. 9 as a
25 test fire, would that have destroyed whatever that was,

1 blood or not?

2 A. There's a possibility, yeah.

3 Q. Okay. So with regards to the firearm, generally
4 you go through them, like each and every one of them
5 documenting all the individual kind of like I guess
6 characteristics of the firearm, whether or not it works,
7 et cetera, and then noting each of the test fires. I
8 guess I'm curious about the test fires in particular, like
9 how you determine which or what type of ammunition you
10 want to use.

11 A. It's just based on my -- it's just my decision
12 to decide what I use. I will choose the appropriate
13 caliber and the primer type that I think is most
14 beneficial to use, whether it's two nickels or two brass
15 or brass and a primer. And then I will -- I choose the
16 ammo that I think marks, and then I can -- I always have
17 the ability to test fire additional ammo if I need
18 something else.

19 Q. Okay. By the -- I mean, I appreciate that this
20 probably was -- I don't know how unique it is, but when
21 you received the case tracking form and the assignment,
22 you were told to make comparisons between the firearms
23 received in 1256 to like also -- like to each other in
24 terms of all the evidence in 1256 but also to the evidence
25 submitted under 1259, right? Like, you knew that from the

1 outset?

2 A. Yes. Yeah, they requested the cross
3 comparisons.

4 Q. Okay. I know we haven't really talked about it
5 yet, but I think maybe it's time for us to talk about what
6 you received in 1259, which was two cartridges, like fired
7 cartridges and two fired projectiles, right?

8 A. Yes. I received two fired cartridge cases. In
9 one of the items that was projectiles, I received one
10 fired bullet and two jacket fragments and then one fired
11 bullet in Item 4.

12 Q. Okay. And so the cartridges were in good enough
13 shape that you could tell what the caliber was, right?

14 A. I determined -- you said the cartridge cases or
15 the projectiles?

16 Q. We'll talk about the cartridge casings first.

17 A. Yeah. The cartridge casings have the -- based
18 on visual I can recognize; however, the headstamps of the
19 cartridge cases mark the calibers.

20 Q. Okay. So you were able to see that both of the
21 cartridge casings were .45 autos?

22 A. Yes, ma'am.

23 Q. Anything else particular in terms of like what
24 the characteristics of that were, like the type of metal?
25 Anything else?

1 A. So, yes. Items 1 and 2 were both Jag .45 auto
2 +P caliber cartridge cases. They were both nickel
3 cartridge cases with a nickel primer.

4 Q. Okay. All right. And then there were two
5 projectiles also submitted. Is that right?

6 A. Yes, ma'am.

7 Q. Okay. And were those both in good enough
8 condition that you could make some determinations
9 regarding the caliber, things like that?

10 A. Yes, that is correct.

11 Q. Okay. And so what did you determine was the
12 caliber of those projectiles?

13 A. I determined they were consistent with
14 projectiles known to be fired in .45 auto caliber
15 cartridges.

16 Q. Okay. Anything about the metal in particular
17 with regards to the projectiles?

18 A. what did I call them? They were -- so it looks
19 like they were hollow point -- solid copper hollow points.
20 So they were copper and nonmagnetic.

21 Q. Okay. So SCHP is solid copper hollow point?

22 A. Yes, ma'am.

23 Q. So that universe was kind of known to you in
24 terms of like what you were being asked to compare the
25 firearm to on like 2/17 when you started your work, right?

1 A. Yeah. When I started my work, I received the
2 items and the fired components, and they asked to do the
3 comparisons.

4 Q. Okay. So the PMC and the Federal that you used
5 with Item 1, the Smith & Wesson, the ammunition, does it
6 have the same kind of characteristics as the Jag? Like,
7 are you shooting solid copper hollow point with a nickel
8 cartridge?

9 A. I shot them based off their primer types. So I
10 shot two with nickel primer because what I had was nickel
11 primers. The bullets that I had were full metal jacket
12 and I believe total metal jackets. Those tend to stay in
13 better condition during test firing rather than hollow
14 point type projectile. So I tend to like to start with
15 that type of ammo to see if I can do that because it stays
16 in better condition when we shoot it in the water tank.
17 However, if it doesn't mark well in comparison, then I can
18 move on to shooting more similar type ammo to see how the
19 differences marked.

20 Q. Okay. But I guess my question is, at the outset
21 though, you didn't use something that was like exactly on
22 par with what you had received in the evidence? Like, you
23 didn't use a Jag at the moment or at that initial time?

24 A. I do not believe we have Jag ammo here in the
25 laboratory, if I remember correctly, but I would have to

1 double check our collection. I do not believe we have
2 like solid copper hollow points here in the lab.

3 Q. I'm curious too. Like, ultimately -- well, I
4 feel like I'm getting ahead of myself. Both 3A and 4 were
5 solid copper hollow points. Is that right?

6 A. Yes, ma'am.

7 Q. And you weighed both of them, right?

8 A. I did.

9 Q. Okay. I think one weighed a bit more than the
10 other one?

11 A. That is correct.

12 Q. Okay. 3A was 135 grains versus 163.4 for Item
13 No. 4 under 1259?

14 A. That is correct.

15 Q. Okay. Does fired bullet number four at that
16 weight, is that a complete fired bullet or close to
17 complete?

18 A. I did not note any missing material that I can
19 tell. I'm not as -- I'm not familiar if that's the
20 complete bullet for that type of ammo. I did not note any
21 missing material, so I believe it was. I determined they
22 were .45s based on their diameter and that type of aspect.

23 Q. And both you measure as having the same
24 diameter. Is that right?

25 A. That is correct.

1 Q. That diameter would have just been done at the
2 base of the projectile?

3 A. Yes.

4 Q. Okay. Were there any -- my understanding of a
5 hollow point is when it hits something, it's almost like
6 the petal of a flower. It opens up. Is that what you
7 observed?

8 A. I observed item -- I noted Item 4, the petals
9 appeared open more. The petals on 3A were only slightly
10 opened.

11 Q. Okay. Were any of the petals missing from the
12 projectiles that you were presented with?

13 A. I did not note anything in my notes.

14 Q. And did you receive any additional fragments
15 with either one of those?

16 A. I did receive two jacket fragments in Item 3,
17 but those were not examined.

18 Q. And that was still within -- we're in the
19 universe of 1259, right?

20 A. Yes.

21 Q. Okay. Did you make any assessments as to
22 whether or not those fragments were associated with that
23 item, the fired bullet?

24 A. I did not.

25 Q. Okay. What does NSADIC mean?

1 A. No significant agreement or disagreement in
2 individual characteristics.

3 Q. Okay. And so this is for the conclusion of
4 inconclusive to Item No. 4 in the comparison of 3A to 4.
5 Is that what I'm getting?

6 A. Correct. That means I was at a basically
7 straight inconclusive. I didn't see any significant
8 agreement, disagreement. Basically, there was very little
9 or no information to go on. They did not have -- they had
10 limited detail.

11 Q. So this is straight inconclusive, not
12 inconclusive negative or positive?

13 A. Yeah. That is a straight inconclusive.

14 Q. Okay. And would that have been your note after
15 a verification?

16 A. I -- that was -- I wrote it too far away, and
17 she filled it in there. I did note that, and she -- I
18 forgot to write my justification. So that was my
19 justification of the conclusion that she verified. So I
20 had to go back and add in my justification.

21 Q. Okay. Just below that, there's something
22 scratched out. I think it says screen with Item No. 4?

23 A. It was.

24 Q. Okay. So can you tell me about why this is
25 scratched out? Is this because you ultimately consumed

1 for more analysis?

2 A. Correct. It's because I no longer screened
3 them. I went and did the further comparison of coming to
4 that inconclusive.

5 Q. What is a screen?

6 A. Screening means that I saw that there was
7 agreement of the class characteristics of the projectiles.
8 That means they could have potentially come from the same
9 firearm or not; however, upon further and full comparison
10 of those two items, I determined that they were
11 inconclusive. So screening is like a presumptive
12 examination of the items.

13 Q. Sorry, I feel like I'm jumping around. I don't
14 mean to make this confusing, but I feel like I am, so I
15 apologize.

16 Since we were talking about 1259 and the items
17 there, Item No. 4 was also inconclusive to Item No. 3A.
18 Is that right?

19 A. Correct. Yeah. They were inconclusive to each
20 other.

21 Q. Okay. And can you tell me just a little bit
22 more about that? Like it's a straight inconclusive?

23 A. Correct. I did not see similarities or
24 differences. There was no significant end of either side.
25 Nothing that stood out as a similarity or a difference.

1 There was just not enough detail there to come to anything
2 besides an inconclusive.

3 Q. Okay. Now, ultimately in the cross-reference
4 results, Item 3A, you have identified to the Smith &
5 Wesson, which is Item No. 1 under 1256, but Item No. 4
6 from 1259 was inconclusive to Item No. 1 under 1256.

7 A. That's correct.

8 Q. Were Items 3A and 4 compared to each other and
9 found to be inconclusive?

10 A. Yes.

11 Q. Okay. And straight inconclusive. Not
12 eliminated. Not inconclusive minus or plus.

13 A. Yeah. So Item 3A in 1259 was inconclusive to
14 Item 4 in 1259.

15 Q. Okay. And so Item 4 being inconclusive to Item
16 No. 1 of 1256 -- sorry, this gets very confusing with
17 these numbers -- what was the inconclusiveness, I guess?
18 I don't know if that question makes sense.

19 A. There was no significant agreement or
20 disagreement between Item 4 to the test fires generated
21 using Item 1 either. It just lacked the detail in order
22 to come to a different conclusion besides inconclusive.

23 Q. So was Item No. 4, a bullet from 1259, was that
24 compared to all three of the test fires -- or I'm sorry,
25 yeah, it would have been all three of the test fires with

1 your ammunition and then Item No. 9, which became test
2 fire number four?

3 A. Uh-huh. Yes.

4 Q. Okay.

5 A. Everything was intercompared to see if I could
6 ID it to any of my test fires, and it was inconclusive to
7 all of my test fires generated.

8 Q. Okay. And so, again, that means that what you
9 were observing was class characteristics being the same?
10 Are class characteristics the same with respect to
11 projectiles as what we've discussed for cartridges?

12 A. Yes. So, yes, the class characteristics were
13 the same; however, there was limited individual details.
14 Therefore, I had to go with a straight inconclusive.

15 Q. What are class characteristics for a projectile?

16 A. So class characteristics would be the number of
17 lands and grooves, and those are the parts of rifling.
18 Lands and grooves are the parts of the rifling. They're
19 the hills and valleys in the rifling. Rifling are cut
20 grooves down the barrel of a firearm basically to impart
21 stability on a projectile. So those are the grooves that
22 are cut in the barrel. So the number of those, the width
23 of them and the direction of twists -- so there's right
24 twists and left twists that can be imparted into a barrel
25 during the manufacturing process. So those were all in

1 agreement. So the number, the width, the direction of
2 twists were all in agreement; however, the individual
3 characteristics were lacking on that projectile.

4 Q. And so what were the numbers of lands and
5 grooves for both?

6 A. So 3A and 4 both had six lands and grooves with
7 a right twist.

8 Q. Okay. And were you measuring the lands and
9 measuring the grooves?

10 A. I did for Item 3A. But based on the visual
11 comparison of 3A to 4A, I determined that they were the
12 same, so I only measured the one.

13 Q. Sorry. I don't see it. I'm sure you did, but
14 where are those measurements?

15 A. Those measurements would actually be -- in my
16 notes, they're the next page. They're on a firearms case
17 notes worksheet.

18 Q. I see it. Okay. So you didn't do the same for
19 four?

20 A. Because I visually had them on the scope
21 together and saw that they were the same widths as I
22 rotated them around, I only determined measurements for
23 one. I only actually measured the one.

24 Q. On the second page, there's that little section
25 that says range, and it looks like it was added on 4/1.

1 Is that also your handwriting? It does not look the same.

2 A. That is my handwriting. I apparently just was
3 very sloppy on that writing, but that is my handwriting.
4 I do -- that is.

5 Q. Okay. And when you're talking about the range,
6 that's still with respect to 3A rather than 4?

7 A. Yes, ma'am.

8 Q. Okay. The worksheet, the blue sheet, for 3A,
9 the index mark indicates, like, see photos, and then
10 there's a kind of line through for 4. So there are photos
11 available for the comparison for 3A but not for 4?

12 A. We only photograph identifications.

13 Q. Okay. So because 3A was identified to Item No.
14 1 of 1256, that's the photograph. Is that right?

15 A. Correct. That is correct.

16 Q. So would the photograph be -- sorry, I think
17 it's probably just at the bottom. So it's test fire four,
18 so that Jag that was removed from evidence and Item 3A.
19 Is that right?

20 A. That is correct.

21 Q. Okay. And no photographs of Item No. 4?

22 A. That is correct.

23 Q. 1259, for the first photograph that we have for
24 Item 3A, there's a red mark. Can you tell me about that?

25 A. That's just an index mark. That way -- once I

1 find agreement when I'm doing my comparisons, I will -- as
2 I'm rotating them around, when I find the phase or
3 agreement between two lands, I will just assign -- I'll
4 take a Sharpie and assign it a color. Therefore, I have
5 indicated that, hey, I saw agreement in these two, and it
6 allows me to stay in phase as I continue my examination.

7 Q. Okay. Were there any other marks made on Item
8 3A.

9 A. There was a black index mark as well for an
10 additional land area that I use for identification
11 purposes, and every item of evidence is marked with the
12 abbreviated case number, item number, and my initials
13 generally in Sharpie as well.

14 Q. Okay. Is that the next photograph that we see?
15 Is that mark on the right, is that the black Sharpie mark
16 then?

17 A. It is.

18 Q. Any marks made on T4?

19 A. They would be on there too. It's just you can't
20 see it in the photo. I would mark them respectively on
21 each item. That way if I marked them and put them away
22 for the day and came back the next day I could see where I
23 was working. So both items of evidence would be marked
24 with the same respective color.

25 Q. So like red with red, black with black?

1 A. Yes.

2 Q. Okay. Now, again, with regard to the test
3 fires, for the Smith & Wesson, did that gun show useful
4 reproducibility of the fired cartridge casings when you
5 used your test fires? I guess by that I mean, like, you
6 use PMC, you used Federal, and then ultimately you used
7 the Jag from Item No. 9. Was there reproducibility in
8 terms of the markings in one through three?

9 A. There was, yes.

10 Q. Okay. But it wasn't useful enough? Like, you
11 had to go on to use the Jag?

12 A. In the instance with the cartridge cases, let
13 me -- I saw the reproducibility; however, when I test
14 fired the submitted ammo, it allowed for still
15 reproducibility between my initial test fires. It just
16 showed more similar consistencies with the submitted
17 evidence ammo or the submitted evidence that I received.
18 It marked better in the sense of kind of back to that
19 stamp analogy of, you know, hitting marks differently with
20 the different manufacturers and the different metal
21 compositions of the nickel on my Federal marked similar to
22 the nickel on my Item 9 Jag; however, different areas
23 showed up a little bit better on different cartridge
24 cases. They all repeated well across the test fires;
25 however, using the submitted and more consistent ammo

1 allowed me to see the same area of that area of the stamp
2 better.

3 Q. Okay. And just -- you never opened what was
4 submitted as Item No. 10, which was also indicated as
5 further ammunition associated with the Smith & Wesson
6 pistol. Is that right?

7 A. That is correct.

8 Q. So you don't know whether or not what was
9 contained within Item 10 was ammunition of like exactly
10 the same make, brand, et cetera as Item No. 9?

11 A. Yeah. I don't know what those were. I did not
12 open them.

13 Q. And I think you said earlier you never ordered
14 any Jag -- you didn't have any Jag in the office, and you
15 didn't order any Jag to do any further testing?

16 A. I don't believe so.

17 Q. Okay. How many total .45 cartridge cases did
18 you do comparisons of?

19 A. It looks like I had four .45 auto cartridge
20 cases.

21 Q. That's between the two cases?

22 A. I'm sorry, that was only 1256. So there was
23 four in 1256 and the two in 1259.

24 Q. So six total?

25 A. Yes, I apologize.

1 Q. were all of those compared, like used for
2 comparison purposes?

3 A. They all were compared.

4 Q. were there conclusions drawn with respect to
5 each of the six?

6 A. They -- the conclusions that I drew were in
7 respect to the firearm.

8 Q. I'm sorry, you said with respect to the
9 firearms?

10 A. Yeah, to the test fires generated. So the four
11 .45 auto caliber cartridge cases in 1256 were compared to
12 the -- I have a conclusion of those four to the firearm
13 that they were identified to.

14 Q. And how many fired projectiles or bullets did
15 you receive total?

16 A. I have one, two, three, four, five, six -- I
17 believe there's nine in 1256 and then the 3A and 4 in
18 1259, so eleven.

19 Q. So it seems like there's a different number of
20 projectiles than casings submitted. Is that right?

21 A. Yeah.

22 Q. And I know that I asked about .45 auto cartridge
23 casing, but I guess maybe let's say total.

24 A. Total cartridge cases?

25 Q. Yeah, and then we can dig down into .45 and

1 nine.

2 A. So in 1256, I have -- four, five, six, seven --
3 it looks like eight cartridge cases total in 1256, plus
4 the two from 1259, so ten.

5 Q. So in terms of the .45s, is there a different
6 number of cartridge cases versus projectiles, like fired
7 projectiles? I'm sorry, this is so complicated with this
8 amount of evidence. I feel like we need a string theory
9 here.

10 A. There were some items that the caliber could not
11 be determined on, but I do have two projectiles in the
12 1256 that I determined to be .45 caliber class
13 projectiles, I believe. Yes. So I have one, two,
14 three -- three projectile items that I could not determine
15 a caliber on, and then I had one, two, three, four that I
16 determined to be .38 caliber class projectiles.

17 Q. How did you make that determination regarding
18 .38 caliber?

19 A. So that is the caliber class, meaning that based
20 on its weight and diameter, it fell within the .38 caliber
21 class family, meaning that the diameter was approximately
22 3.5 to 3.56, and that includes common calibers like .38,
23 357, 9mm Luger, that kind of stuff. Based on condition of
24 projectiles, it's sometimes not easy to determine a
25 specific consistent with caliber, but based on its

1 diameter and weight, we can narrow it down to a caliber
2 class.

3 Q. Okay. So a .38 caliber or .38 caliber cartridge
4 could be fired out of a 9mm handgun?

5 A. No. Like a .38 -- so that is just the class
6 family based on the diameter of the projectiles. So a .38
7 special could not be fired in 9mm Luger.

8 Q. Okay. Did you receive any firearms that were
9 .38 caliber?

10 A. The 9mm Luger falls within that .38 caliber
11 class based on the bullet diameter. That is able to be
12 fired in 9mm.

13 Q. Sorry, you're saying the firearm? Did you
14 receive a firearm that can fire a .38?

15 A. Not -- so not a .38, like a .38 special,
16 .38-caliber. Not in that sense. So the caliber class is
17 based off projectile diameters. So the diameter of a
18 projectile that's able to be fired in a 9mm, like the 9mm
19 Lugers we have is 3.55, which is a .38 caliber class. So
20 the cartridge case, yes, would say 9mm Luger, but that
21 projectile falls within that .38 class family based on its
22 diameter.

23 Q. Were you able to make an identification between
24 like any of the first like test fires one, two, and three,
25 so the PMC and Federal projectiles, and 3A or 4A -- I'm

1 sorry, 3A or 4? Sorry, I know I'm jumping around. The
2 test fires from the Smith & Wesson .45, the first three --

3 A. Okay.

4 Q. -- were you able to make an identification to 3A
5 and 4 or no?

6 A. I --

7 Q. From 1259. Sorry.

8 A. No, you're good. I used the T4, which was Item
9 9, for my identification between the Smith & Wesson
10 firearm to Item 3A in 1259.

11 Q. Okay. I think you said earlier though that you
12 would have already compared one, two, and three to 3A and
13 4?

14 A. I would use them, and I would do my respective,
15 you know, intercomparison between them; however, based off
16 the type of ammo that was in 1259, I opened the respective
17 item that, you know, the agency said was removed to see if
18 that projectile was similar in order to test fire that
19 item and during that, you know, ended up finding that that
20 item of evidence marked better or more consistently than
21 my test fires that I generated with my first three;
22 therefore, I used that test fire. It's still known to
23 come from that firearm, and I did the intercomparison
24 between my initial three test fires and the submitted
25 evidence test fire.

1 Q. Okay. Are you familiar with reloaded
2 ammunition?

3 A. A little bit.

4 Q. Okay. Can you tell me about your familiarity?

5 A. Reloaded ammo is cartridge cases that have
6 previously been fired where they will remove the fired
7 primer, reinsert a fresh new primer that is able to be
8 fired again. Basically, they'll resize the cartridge case
9 mouth, add new powder and a new projectile in in order to
10 make the round fireable again.

11 Q. Is there like any kind of concern about the
12 variability or being greater with reloaded ammunition
13 rather than factory produced or manufactured ammunition.

14 A. I don't -- I don't understand what you're
15 asking.

16 Q. Sure. So I think -- and I don't want to put
17 words in your mouth, so correct me if I'm wrong because
18 this is your field. Reloaded ammunition, I think we
19 typically think of it as somebody personally doing it.
20 Like, they collect their brass, and then they have a
21 reloading system and do the reloading like at home.

22 Is there potential for greater variability
23 between those newly reloaded ammunitions rather than
24 something that's manufactured at a factory in terms of how
25 much powder, the weight of everything, et cetera?

1 A. In the sense of reloaders, I believe some of
2 them can use different amounts of powder based on how
3 heavy they want their load to be. I believe -- again, I'm
4 not as familiar with reloading, but they would still
5 use -- if it's a 9mm, like they want to reload a 9mil
6 cartridge case, they would still use a .38 caliber class
7 or an appropriate diameter projectile to fit in that
8 cartridge case in order to be able to shoot it in.

9 But whether or not -- whether or not they
10 reproduce, that's why we test fire multiple items. That's
11 why we shoot different brands of ammo with different
12 primer materials to see how it reproduces, and it
13 reproduces fine with what I saw with what I test fired.

14 Q. Because reproducibility, it sounds like it's a
15 core tenant of your practice?

16 A. Yes.

17 Q. Okay. Are you able to tell whether or not an
18 ammunition you see in evidence has been reloaded?

19 A. There are potential signs that we kind of can
20 look out for: If there's multiple extractors and
21 ejectors; if there's detail on the headstamp area of a
22 cartridge case that's going in basically a different
23 direction. So say if it's a parallel breech face mark and
24 the primer direction is this way and you have marks coming
25 this way on a headstamp, that could potentially indicate a

1 reload type of thing. That --

2 Q. Did you see any -- oh, I'm sorry.

3 A. No, no, you're fine. Go ahead.

4 Q. Did you see anything like what you just describe
5 in the evidence you had in the universe of these cases?

6 A. I do not recall anything like that, no.

7 Q. Okay. And I'm sorry, I interrupted you. Was
8 there something you wanted to finish?

9 A. No, I think I'm good.

10 Q. Okay. I want to talk about these
11 cross-references. I've got to say, this is probably one
12 of the most confusing cases that I've ever looked at. I
13 don't know how you kept everything straight in your head.

14 So on I guess page four of five of your report
15 -- because you've previously documented kind of the
16 results generally like in terms of functionality and the
17 comparisons just like within 1256. I'm sorry, I'm on
18 1256, which is where the cross-reference is documented.
19 So the cross-reference results, is that the Item 1 and 2
20 cartridge cases submitted under 1259, so the other case,
21 the smaller file --

22 A. Yes.

23 Q. -- were identified to Item 1 pistol. And I
24 think you described earlier that you used test fire number
25 four, so Item 9 from 1256 for that comparison. Is that

1 correct?

2 A. I believe so, yeah.

3 Q. Okay. Item No. 3A submitted under 1259 also
4 identified to Item No. 1 pistol, and it would have been
5 the projectile from test fire number four or Item 9 from
6 1256. Is that also right?

7 A. That is correct, yes.

8 Q. Okay. Item No. 4 from 1259, inconclusive to
9 Items 1 -- or Item 1 and also the other firearms that you
10 received under 1256. Is that right?

11 A. So Item 4, inconclusive. I believe 25, 26, and
12 27 are other projectiles.

13 Q. I apologize. That was inartful of me.

14 A. So, yeah, those are -- yeah, it's to the Item 1
15 firearm and the other projectiles in 1256.

16 Q. Okay. So I guess I want to go back to Item 3A
17 for a second under that cross-reference. So inconclusive
18 to Item 27. Did you also compare Item 3A to 25 and 26?

19 A. Twenty-five and twenty-six. So in that
20 instance, since 3A -- so this will get a little confusing
21 for a second. So because Items 25 and 26 were identified
22 to the Item 1 pistol within 1256 and 3A was also
23 identified to the Item 1 pistol, there was not an
24 additional comparison between 3A to 25 and 26 because all
25 three of those have already been identified to the Item 1

1 pistol.

2 Q. Okay. So you wouldn't have done that, and your
3 verifier wouldn't have done that then?

4 A. Correct. They were only verified and ID'd to
5 the test fires from the firearm.

6 Q. Okay. And Item No. 4, again, the projectile
7 from 1259, the heavier projectile was eliminated to Item
8 7, which was the Haskell .45. Is that right?

9 A. Yes, based on a difference in class
10 characteristics.

11 Q. Was there anything in terms of the projectiles
12 or the cartridges that you received in the universe of
13 these cases either identified or found to be inconclusive
14 with respect to Item No. 7 from 1256?

15 A. Item 27 was inconclusive to the Item 7 firearm.
16 That's the only item I have where it's inconclusive to
17 that firearm.

18 Q. Okay. The jacket fragment, Item 27?

19 A. Yes.

20 Q. Okay. So I'm just looking at 26 now. So in
21 your report, you have Items 25 and 26, which are
22 projectiles being identified to the Item 1 pistol, meaning
23 the comparison was to test fire four Item No. 9, right?

24 A. Okay. So I actually -- I think I misspoke
25 earlier again. I apologize. So I ID'd Item 25 to Item

1 26.

2 Q. Okay.

3 A. And then I used Item 26 and ID'd it to the Item
4 1 T4 test fire, so Item 9, the Item 9 projectile.

5 Q. So Item No. 25 wasn't actually compared to Item
6 9 for test fire four?

7 A. No. So Item 25 was compared to 26. Those two
8 were identified to each other. And then 26 was identified
9 to the Item 9 projectile test fire, which would be T4 from
10 Item 1.

11 Q. Okay. Why use 26 rather than 25 or vice-versa.

12 A. It just -- that's how, you know, based on the
13 marks that I saw, this had agreement here, and I just
14 transitive property did my identifications of this one
15 marked better here versus this one marking better. And
16 I'm able to get to the conclusions based on, you know,
17 this one was ID'd to this one and this one was ID'd to
18 this one; therefore, they're both ID'd to the gun.

19 Q. Do you do bullet fragment worksheets with
20 respect to test fires to document like their weight, the
21 lands and grooves, things like that?

22 A. So those -- that information is on the firearms
23 worksheet, so the green worksheet. So the weight --

24 Q. Where do I see the weight?

25 A. So the weight is based off of where I put T1 PMC

1 230 grains.

2 Q. Oh, okay.

3 A. Yeah. We do it based off, you know, the ammo
4 weight grain. We don't re-weigh them after we shoot them.
5 We just do it based off the specs of the ammunition on the
6 box and then the -- so that's where the weights are for
7 the projectiles of the test fires.

8 Q. Do you measure the diameter of the test fires,
9 like for the projectiles for those test fires?

10 A. No, we don't measure them.

11 Q. Okay. In terms of the lands and grooves for the
12 widths, are you relying on information from the
13 manufacturer, or do you actually measure for the test
14 fires in terms of what's been generated?

15 A. We do measure the test fires. So on this one, I
16 measured -- so for Item 1, I measured T1, the lands and
17 grooves on that, and it's in the comment section at the
18 bottom of the firearms section is my measurements.

19 Q. Okay. And then the work -- so you draw your
20 conclusions. They're notated on your sheet. All of this
21 was verified by Marlene Alvarez. Is that right?

22 A. That is correct.

23 Q. Okay. And I know we talked about this earlier,
24 but we're kind of unsure about the exact timing of
25 everything, except that your report was written on April

1 2nd. So I know there was some notations in your file
2 about some changes of things. Like some notes have the
3 date of April 1st. There was some notes that were
4 documented as being in March. It seems like we're unsure
5 as to when your analysis changed from the screen or
6 non-microscopic analysis to the microscopic. Is that
7 still fair, or did you see anything while we were talking?

8 A. Yeah, the only thing I can -- yeah. It happened
9 probably some time after the first verification would be
10 my only assumption. Like I said, I do not recall the
11 exact date of that, but based on the first verification
12 was towards the end of March and -- you know, I got some
13 in March and some in April. Some time probably after the
14 first set of verifications, which happened in the middle
15 of March, would be my guess of some time when it changed
16 to the full micro.

17 Q. Okay. Did you also do NIBIN?

18 A. This is a St. Pete case, so probably -- no, I
19 did not.

20 Q. Did you receive like any NIBIN paperwork that
21 the agency had done?

22 A. I do not believe so.

23 Q. Okay. So you're not able to comment on any kind
24 of NIBIN comparisons or anything on that?

25 A. No. No, I believe this agency does their own

1 NIBIN stuff.

2 MS. SEIFER-SMITH: Fair. Okay. That was
3 exhausting, but I don't think I have anymore questions.
4 Do any of my colleagues have any questions?

5 MS. RUSSELL: I do not.

6 MR. MCGREEN: None for me either.

7 MS. SEIFER-SMITH: Theo, do you have any
8 questions?

9 MS. TAKTIKOS-DANZIG: I do not.

10 BY MS. SEIFER-SMITH:

11 Q. I know it's been a long hard road that we've
12 traveled this morning into the afternoon. Have you
13 understood all the questions I've asked, or if you didn't
14 understand something, were you able to tell me, hang on, I
15 don't understand, can you rephrase?

16 A. I believe so, yeah. I think I'm good.

17 Q. Okay. Anything at this point that you think you
18 would like to add or change regarding the testimony that
19 you've given today?

20 A. I do not think so. I think I've corrected the
21 couple of things I misspoke on as we were doing. I think
22 I'm good.

23 Q. As you were going through all the files that
24 were in front of you, did you see any kind of errors or
25 anything that you needed to let us know about? I know

1 it's a lot.

2 A. I do not believe so.

3 Q. Okay. At this point, what I'm going to do is
4 I'll conclude this deposition. I'll reserve your right to
5 read. If something comes up, if in your review of your
6 file you discover anything that you need to correct or
7 after the fact, since we're reserving your right to read,
8 if you think we got something wrong, please reach out to
9 either Ms. Taktikos-Danzig or to my own office to let me
10 know.

11 I know at the beginning I asked you to provide
12 your curriculum vitae, and I think it was also to double
13 check about the correspondence to see if there were
14 additional logs.

15 A. Okay.

16 Q. I guess I can suspend in case there's any kind
17 of additional correspondence in there, but I can probably
18 just read it for myself.

19 A. Okay.

20 Q. So I think at this point we're probably good to
21 go.

22 A. And for the CV, would both the State and you
23 like a copy? Are you going to reach --

24 Q. Yeah. I mean, if you send it to me, since I put
25 my name in the chat, my e-mail address in the chat, I'll

1 make sure that I send it to Theo. No problem. Or if you
2 send it to Theo, she'll send it to me.

3 A. Okay.

4 Q. And same for the correspondence, if you see
5 updates in that.

6 A. Okay. Thank you very much.

7 MS. SEIFER-SMITH: Amazing. Thanks so much.
8 Have a good day.

9 MS. TAKTIKOS-DANZIG: Thank you.

10 (Deposition concludes at 12:29 p.m.)

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COUNTY OF PINELLAS)

STATE OF FLORIDA)

CERTIFICATE OF OATH

I, the undersigned authority, certify that AMARA DREW personally appeared before me by ZOOM Videoconference and was duly sworn.

witness my hand and official seal this 25th day of March, 2026.

Tamara M. Pacheco

Tamara M. Pacheco, RPR
COMMISSION # 474485
EXPIRES: March 30, 2028

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, Tamara M. Pacheco, certify that I was authorized to and did stenographically report the Deposition of AMARA DREW; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Tamara M. Pacheco

Tamara M. Pacheco, RPR

