

Exhibit

Chain of Custody

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1 Q. What type of drugs?

2 A. We located marijuana and cocaine.

3 MR. RUNYON: Judge, I hate to keep doing
4 this, but she's at the kitchen table inventorying. She
5 hadn't turned in to her cocaine and marijuana. She
6 didn't find it, and so I object.

7 THE COURT: Is your objection that she -- to
8 what purports to be marijuana?

9 MR. RUNYON: It hadn't been tested yet at the
10 time it gets to her.

11 THE COURT: That's true. You haven't had it
12 analyzed. It appeared to be, is how you need to refer to
13 it, it appeared to be marijuana, it appeared to be
14 cocaine, et cetera.

15 BY MS. LINDER:

16 Q. At this time I show you what's been marked as
17 State's Exhibit 22 and 23 for identification purposes.
18 If you could look at those and just tell me if you
19 recognize those.

20 A. Yes, ma'am.

21 Q. And how do you recognize those items?

22 A. These were the items that were handed me by
23 various investigators in the process.

24 Q. And do those items appear in substantially the
25 same condition as when you first collected them?

2nd
objection



1 A. Yes, they do.

2 Q. And what did you end up doing with those items?

3 A. I took them from the location, from 31 Woodleaf
4 Court to the station and actually dropped them into
5 evidence and logged them into the record management
6 system.

7 Q. I ask you what State's Exhibit 30. Do you
8 recognize these?

9 A. I do.

10 Q. What are these?

11 A. These are items handed to me as a recovery agent
12 in Joseph Rowland's room.

13 Q. Do they appear in substantially the same condition
14 as when you first saw them?

15 A. They do.

16 MS. LINDER: Your Honor, at this time I would
17 ask that State's Exhibit 30 be entered into evidence.

18 THE COURT: What is it? What is in there?

19 MS. LINDER: These are scales.

20 THE COURT: Okay.

21 ~~*~~ MR. RUNYON: Judge, I have a question about
22 testimony. They haven't established the chain up to her
23 yet. She's still at the kitchen table, last time I
24 heard.

25 THE COURT: Come up here for a second.

1 Let me send the jury out so we can talk about
2 this a little bit.

3 (In open court, jury not present.)

4 THE COURT: Okay. Let me -- now, for the
5 record, what is the issue?

6 MR. RUNYON: Here's my issue: I hate to keep
7 being an obstructionist here, but this fine officer,
8 based upon the procedure, what she testified, is at the
9 kitchen table, and she's receiving these items. And I
10 have -- I know she's testifying truthfully, that she
11 received X item and she can identify it, but --

12 THE COURT: She's not the person that was in
13 the room and picked it up from the bedroom or brought it
14 out of the bedroom?

15 MR. RUNYON: Or what have you, and we're
16 talking about a little chain here, because she's the end
17 of the chain that goes into the evidence locker.

18 MS. LINDER: And, Judge, I'll just say, to be
19 frank with the Court, this is the first time that
20 Detective Habbestad has ever told me about then every
21 other case the recovery agent -- the people locate it,
22 kind of holler out, and the recovery agent goes and
23 collects the items where they are.

24 THE COURT: Okay.

25 MS. LINDER: So this is the first time I have

1 been hearing this myself. I'm happy to bring in each
2 person who located each item, and, also, Sergeant Ratliff
3 went around the whole house, saw all the items, where
4 they were, which is reflected in the pictures.

5 I can absolutely have everybody here. I
6 myself was thrown for a loop because this is the first
7 time I have heard it was done this way.

8 THE COURT: You'll need to bring in somebody
9 who can say I picked it up in this room and brought it --
10 and handed it to her.

11 MS. LINDER: Absolutely. And that's not a
12 problem at all.

13 THE COURT: So these can't come into evidence
14 right now, but it's a part of the chain, not necessarily
15 in the order, but --

16 MS. LINDER: Absolutely.

17 THE COURT: All right.

18 MR. RUNYON: Fine, Judge.

19 THE COURT: Okay. Bring the jury back in.
20 (In open court, jury present.)

21 THE COURT: Try to lean forward and speak
22 loudly.

23 MS. LINDER: May I approach the witness?

24 THE COURT: You may.

25 BY MS. LINDER:

No-Chain Custody

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1 and then you bagged them -- you tagged them and bagged
2 them, so to speak, and then you physically took them to
3 the police department yourself, no one else?

4 A. Correct.

5 Q. And you either put them in an evidence locker or
6 you put them in the mailbox, one of the two?

7 A. That would be the standard procedure -- for this,
8 it was a locker.

9 Q. Right.

10 A. Uh-huh.

11 Q. And once they go in there, you can't get them back
12 out?

13 A. That's correct.

14 Q. The only person who can get them out is the actual
15 evidence techs?

16 A. Correct.

17 Q. The keeper of the evidence, the evidence room, the
18 evidence locker, right?

19 A. Uh-huh.

20 Q. And all you know is that these things were given
21 to you and you made inventory of them there at the
22 kitchen table?

23 A. That's correct.

24 MR. RUNYON: Nothing further, Your Honor.

25 THE COURT: Any redirect?

1 that location till the evidence custodian, who is the
2 only one that has access to that.

3 Q. Did you end up collecting any items as a recovery
4 agent at 31 Woodleaf Court?

5 A. Yes, several.

6 Q. And when and what items were collected, just
7 generally speaking?

8 A. Oh, as a whole? We located various -- well,
9 mostly all -- the ones of value were in bedroom number
10 two, which we identified as Joseph Rowland's room, and in
11 that were --

12 MR. RUNYON: Your Honor, she's the inventory
13 agent, and she's testifying to hearsay at this point in
14 time. What she received from other agents, obviously,
15 she can testify to, but I think testifying to where
16 things were gotten and what have you, I think that's
17 hearsay, Judge.

18 MS. LINDER: I would like to respond, if we
19 may approach.

20 THE COURT: All right.

21 (Discussion held at sidebar.)

22 BY MS. LINDER:

23 Q. When there is a search warrant execution and items
24 there are located and you said other officers are
25 located, do they pick them up and run around and walk all

NO
CHAIN

objection