

Tise, Natalie

From: RobinD Guidry <RobinD.Guidry@cityofhouston.net>
Sent: Tuesday, August 02, 2011 9:24 AM
To: Tise, Natalie
Subject: RE: Obel Cruz Garcia case 105758592
Attachments: 105758592_Orchid DNA_061511.PDF

Categories: Red Category

Good morning,

I think this would qualify for cold case monies, assuming sufficient funds remain. When you know more about what may need testing, let's talk and we can decide what testing is necessary, and who will perform it.

Regarding Carmelo Martinez, attached is the latest DNA report from Orchid with his profile. I guess I thought you had received a copy - I do apologize!

Have a great week!
Robin

>>> "Tise, Natalie" <TISE_NATALIE@dao.hctx.net> 8/1/2011 6:52 PM >>>

Hi Robin,

Sorry I haven't gotten back to you sooner. It has been a busy summer for me. In May we sent in a buccal swab from a guy named Carmelo Martinez Santana. We requested that he be compared to all the evidence in the case. I have not yet received the results of that comparison. Are those available? If so, I think we are done for purposes of my case in chief.

However—due to a newly discovered witness, we are now looking at seeking the death penalty against this defendant and the trial has been postponed once again. It will probably not go until early next year. Our new witness has told us about an extraneous murder that he saw this defendant commit. We have found a 1989 unsolved cold case that matches the details provided by this witness. There are some items of evidence—fingernail scrapings, etc.-- that were collected in this case that will likely need to be compared. Would this case fall under the Cold Case Grant that we have been relying on to cover the costs of DNA analysis thus far? We have just learned of this new murder so we are still trying to put things together, but we may be contacting ya'll for more testing related to this case at some point.

Thanks for all your help,

Natalie

From: RobinD Guidry [mailto:RobinD.Guidry@cityofhouston.net]
Sent: Wednesday, July 13, 2011 5:00 PM
To: Tise, Natalie
Subject: RE: Obel Cruz Garcia case 105758592

Hi, Natalie,

Just checking in. Is there anything outstanding from this lab, or are all of your DNA testing needs met either by us or by Orchid?

Thanks,
Robin

>>> "Tise, Natalie" <TISE_NATALIE@dao.hctx.net> 5/19/2011 12:48 PM >>>

Hi Robin,

The defense has told me that they plan to make an issue of the fact that one of the individuals that elimination samples were taken from back in 1992 was not re-compared to the DNA in the rape kit in 2007 because there were only extractions and there was not enough to retest. My understanding is that we cannot rule out other contributors to the rape kit sample and I know that Rudy was likely with the defendant that night. Everyone else has been ruled out. I just want to be able to say that Rudy was ruled out too. Or if not—then I might have enough information to charge him.

At trial, I plan to call both Orchid and HPD analysts to testify regarding the DNA results that were obtained by each respective agency. For this last comparison, I am fine with whoever does the analysis. My biggest concern is just that it be done by the trial date. Not sure who has a quicker turn around time. Thanks for all your help, Robin.

Natalie

From: Webb, Micah
Sent: Thursday, May 19, 2011 12:32 PM
To: 'RobinD.Guidry@cityofhouston.net'
Cc: Tise, Natalie
Subject: Re: Obel Cruz Garcia case 105758592

I agree. The new swab is for the guy we didn't have a full profile for (can't remember name off hand).

From: RobinD Guidry
To: Webb, Micah
Cc: Courtney Head ; Tise, Natalie
Sent: Thu May 19 12:23:58 2011
Subject: Re: Obel Cruz Garcia case 105758592

That should not be a problem. However, I am curious, why is another buccal swab being collected? For the unknown hair? The sexual assault kit items appear to have come back to Diana Garcia, Arturo Rodriguez and Obel Cruz-Garcia.

Something to consider: we can process it in time for the July 25, 2011 trial date, assuming it is submitted in about a week. However, you will need Orchid to testify regarding their evidence. We would then testify to state whether the new reference matched any of the data generated by Orchid. I think testimony would be simplified if all of the DNA testing was conducted by Orchid. (They would issue one comprehensive report.) Your thoughts?

Thanks,
Robin

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>>> "Webb, Micah" <WEBB_MICAH@dao.hctx.net> 5/19/2011 10:07 AM >>>

We are having the FBI collect another buccal swab to be tested and compared to the rape kit of Diana Garcia and any other items of evidence. The trial is set for 7/25/11 and we are concerned about it getting tested in time. Will HPD be able to test it once you get the sample in about a week? Or do we need to make arrangements to send it to Orchid?

Advise

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