

No. CR 18-913

STATE OF LONE STAR	*	IN THE DISTRICT COURT
	*	
v.	*	IN AND FOR
	*	
BREE CANDY TREVINO	*	TRAVIS COUNTY LONE STAR

**Prepared by:**

**Hon. Karen S. Townsend and ASUA Gloria Bedwell  
4<sup>th</sup> Judicial District Judge/ U.S. Attorney's Office  
Missoula, Montana/Mobile, Alabama**

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And  
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This case file was commissioned by the Texas Young Lawyers Association and was prepared by the Honorable Karen S. Townsend and ASUA Gloria Bedwell for the 2019 National Trial Competition

## Statement of the Case

This is a criminal action against Bree Candy Trevino. The state's allegation is that on or about April 30, 2018, Bree Candy Trevino negligently caused the death of two individuals, TP, her boyfriend, and PP his 3-year old daughter, while operating a motor vehicle while under the influence of alcohol and drugs. Ms. Trevino has pled not guilty to the charges.

Witnesses will include:

1. Dusty Stockard: Highway Patrol Trooper who investigated the crash scene.
2. S. Phillips: Director, Lone Star State Crime Lab.
3. Bree Trevino: Defendant who will testify on her own behalf.
4. Dr. C. Pozza: Defense toxicologist.

## **Witness and Exhibit List**

### **Witnesses:**

1. Dusty Stockard (may be either male or female)
2. S. Phillips (may be either male or female)
3. Bree Trevino (must be female)
4. Dr. Pozza (may be either male or female)

### **Exhibits:**

1. Trooper Stockard's diagram from crash scene
2. Photo of Twisted Tea can found at crash scene
3. Photo of Twisted Tea carton found at crash scene
4. Photo of Twisted Tea bottle found Acura
5. Photo of Acura at crash scene
6. Photo of Acura's sunroof damage with hair strands
7. Photo of grab handle in interior of Acura
8. Photo of baggie of marijuana recovered from Acura
9. Honda Recall Notice
10. A-E: text messages from Bree Trevino's cell phone recovered from Acuara
11. Coroner's Report
12. Lone Star Crime Lab Report
13. Lab Report from Hospital blood test of Bree Trevino
14. Lone Star Crime Lab DNA Report
15. Implied Consent Advisory

## STIPULATIONS AS TO EVIDENTIARY MATTERS

### Procedural Matters

1. Federal Rules of Criminal Procedure and Federal Rules of Evidence apply.
2. All witnesses called to testify have identified the parties, other individuals, or tangible evidence in depositions or prior testimony and will, if asked, identify the same at trial.
3. Each witness who gives a deposition agreed under oath at the outset of his or her deposition to give a full and complete description of all material events that occurred and to correct the deposition for inaccuracies and completeness before signing the deposition.
4. All depositions were signed under oath.
5. For this competition, no team is permitted to attempt to impeach a witness by arguing to the jury that a signature appearing on a deposition does not comport with signatures or initials located on an exhibit.
6. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.
7. This competition does not permit a listed witness, while testifying, to “invent” an individual not mentioned in this problem and have testimony or evidence offered to the court or jury from that “invented” individual.
8. “Beyond the record” shall not be entertained as an objection. Rather, teams shall use cross-examination as to inferences from material facts pursuant to National Rule 7.4I, (D), I, and (F) and 8.5. Any party wishing to file a complaint concerning a violation of this rule shall use the procedure found in Rule 8.3.
9. The State and the Defendant must call the two witnesses listed as that party’s witnesses on the witness list.

10. All exhibits in the file are authentic. In addition, each exhibit contained in the file is the original of that document unless otherwise noted on the exhibit or as established by the evidence.
11. It is stipulated that no one shall attempt to contact the problem drafters about the problem before the conclusion of the 2019 National Trial Competition Final Round. Contact with the competition officials concerning this problem must be pursuant to the rules of the competition.
12. 2019 is the year in which this case comes to trial.
13. Presentation and argument on pretrial motions shall be limited to a total time of sixteen minutes divided equally between the parties as follows: (1) the State shall have four minutes to present any pretrial motions; (2) the defendant shall have four minutes to respond to the State's motion(s); (3) the defendant shall have four minutes to present any pretrial motions; and (4) the State shall have four minutes to respond to the defendant's motion(s).
14. The competition permits teams to argue additional case law and other relevant authority to support the team's argument on motions and evidentiary issues. However, no additions or deletions are permitted to the provided jury instructions or to the jury verdict form.

## **Substantive matters**

1. Prior to trial, the Defendant filed a motion to suppress the results of the blood test taken pursuant to the Implied Consent statute asserting that Ms. Trevino's consent to the test was involuntary. The Court has denied that motion.
2. Prior to trial, the Defendant sought to exclude the results of blood test results taken at the hospital arguing that HIPAA barred release of those results. The Court denied that motion since the hospital results were obtained through Court Order.
3. Prior to trial, the Defendant sought to exclude the evidence recovered from the Acura including the baggie of marijuana and the Twisted Tea bottle. The Court denied that motion since the evidence was recovered pursuant to a search warrant based on probable cause.
4. Prior to trial, the Defendant sought to exclude the text messages and cell tower information recovered from the Defendant's cell phone and Tim Parker's cell phone. The Court denied that motion since the cell phones were searched pursuant to a search warrant based on probable cause.

# **ARMADILLO DAILY BULLETIN**

May 1, 2018

## **TRAGEDY ON THE INTERSTATE**

**Kathleen Flynn Peterson, Courts Reporter**



Shortly after 4:00 AM on April 30, 2018, tragedy struck on Interstate 10. An Acura MDX heading for Armadillo from the Armadillo State Park, drifted off the passing lane into the median, overcorrected and as the Acura made contact with the pavement, the Acura rolled three or four times. All three occupants of the Acura were ejected. Two died. A deceased male and his three-year old daughter were discovered by first responders some distance from the Acura, dead at the scene. None had been wearing seatbelts, and the child was not restrained in a car seat. Names have not been released until their families can be notified.

9-1-1 received the first reports of a single vehicle crash at 4:17 AM. Armadillo County Sheriff's deputies, ambulance personnel, and Lone Star Highway Patrol responded to the scene. Trooper Dusty Stockard took charge of the investigation. Stockard arrived on scene at 5:43 AM after being wakened. Because Stockard is a certified crash investigator, Stockard was assigned primary responsibility for investigating the accident.

The suspected female driver had been taken to Lone Star Community Hospital by the time Trooper Stockard arrived at the crash scene. The hospital reports she is in serious condition, but expected to survive. The dead child had also been removed by ambulance.

Trooper Stockard made a brief trip to the hospital to attempt to get a blood sample from the driver. Stockard then returned to the crash scene to complete his investigation. Stockard examined the deceased male and determined because of his size he could not have fit in the driver's seat at the time of the crash.

Trooper Stockard discovered where the Acura left the highway and entered the median, travelled for over 200 feet before heading back to the pavement. When it hit the pavement, it rolled two or three times, travelled 29 feet in the air, and then slid over 200 feet before coming to rest. Apparently, the driver was ejected through the sunroof of the Acura, the male through the rear door, and the child through the side window. Stockard said based on preliminary data that the Acura was travelling 70 miles per hour when it entered the median. That speed is below the posted speed limit on the Interstate.

This reporter learned from law enforcement sources that the deceased male and surviving female had visited the Qwik Stop bar around midnight on April 29<sup>th</sup>-30<sup>th</sup> and met with one of the bouncers and smoked marijuana with that bouncer. Follow up interviews with this bouncer are expected.

District Attorney Gary Winters advised this reporter that a Grand Jury will be impaneled to consider criminal charges once the investigation is complete. He advised that blood analysis results from the driver are pending.



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IN THE FOURTH JUDICIAL DISTRICT COURT  
FOR THE COUNTY OF ARMADILLO  
STATE OF LONESTAR

STATE OF LONESTAR,

v.

BREE CANDY TREVINO.

CRIM. NO. 18-DC-70  
VIOLATIONS: 45-5-106

FILED BY THE CLERK 5/30/2018

**INDICTMENT**

**THE GRAND JURY CHARGES:**

**COUNT ONE**

On or about April 30, 2018, in the County of Armadillo, State of Lonestar, the defendant,

**BREE CANDY TREVINO**

did negligently cause the death of TP., whose true full name is known to the Grand Jury, while operating a vehicle, while under the influence of alcohol or drugs, a felony offense.

In violation of Lone Star Code Annotated, 45-5-106.

Upon conviction for the above-named offense, the defendant **BREE CANDY TREVINO** is subject to the penalty of up to 30 years imprisonment and a \$50,000 fine.

**COUNT TWO**

On or about April 30, 2018, in the County of Armadillo, State of Lonestar, the defendant,

**BREE CANDY TREVINO**

did negligently cause the death of P.P., whose true full name is known to the Grand Jury, while operating a vehicle, while under the influence of alcohol or drugs, a felony offense.

In violation of Lone Star Code Annotated, 45-5-106.

Upon conviction for the above-named offense, the defendant **BREE CANDY TREVINO** is subject to the penalty of up to 30 years imprisonment and a \$50,000 fine.

A TRUE BILL

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/s/ Dennis Maggi,  
FOREPERSON OF THE GRAND JURY  
STATE OF LONESTAR  
ARMADILLO COUNTY

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R. GARY WINTERS  
ARMADILLO COUNTY DISTRICT ATTORNEY  
FOURTH JUDICIAL DISTRICT  
STATE OF LONESTAR:  
MAY 2018

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IN THE FOURTH JUDICIAL DISTRICT COURT  
FOR THE COUNTY OF ARMADILLO  
STATE OF LONESTAR

STATE OF LONESTAR,  
  
v.  
  
BREE CANDY TREVINO.

CRIM. NO. 18-DC-70

DEPOSITION OF DUSTY  
STOCKARD

June 20, 2018

Q: Please state your name.

A: My name is Durbin Stockard, a/k/a Dusty Stockard.

Q: What is your occupation?

A: I am a Trooper with the Lone Star Highway Patrol.

Q: What is your background for that particular position?

A: Well, I was raised right here in Armadillo, Lone Star where I graduated from Lone Star High School. I graduated from Lone Star State College with a major of criminal justice. I joined the Lone Star Highway Patrol right after graduation and attended the 16-week Highway Patrol Academy in Austin and have been with the Highway Patrol ever since. I have been stationed in several different areas of Lone Star and have been here in Armadillo now for several years.

Q: Have you had any specialized training in investigating automobile crashes or individuals who were operating motor vehicles while under the influence?

1 A: Well, in addition to the basic training at the academy in DUI investigations, I  
2 am certified as a DRE expert, and accredited in crash investigation. I have  
3 investigated approximately 1000 potential DUI's over my career, and made 400  
4 arrests for DUI, have investigated approximately 1200 crashes, including 16 prior  
5 fatal crashes, and of those, 12 involved impaired drivers and 11 of those were 1  
6 vehicle only crashes in my 11-years and 8 months experience with the Patrol.  
7  
8

9 Q: So, are you familiar in recognizing the signs of an impaired driver?

10 A: Absolutely.

11 Q: You said DRE, what does that mean?

12 A: That's an acronym for Drug Recognition Expert.

13 Q: You indicate that you are certified as a DRE expert. What kind of training do  
14 you have to undertake to get that certification?  
15  
16

17 A: There is both course work and actual on the job case work with instructors.  
18 The course work is 2-weeks long I took it at Ft. Humphrey in Austin. I had to  
19 become familiar with all of the classes of drugs and their effects on the body and  
20 pass a proficiency test. Then, when I was recommended for the field work, I went  
21 to Maricopa County in Arizona and trained with the instructors. The training was at  
22 the Maricopa County Jail. Various inmates who were first being processed into the  
23 jail were asked to volunteer for our training and we evaluated them and rendered  
24 opinions as to whether or not they were on a particular drug and then a UA was  
25  
26

1 used as confirmation. We conducted the evaluations under the instructor's  
2 supervision and had our findings critiqued. You needed an 80% proficiency rating  
3 to be certified. I actually obtained a 98% proficiency rating, the highest in my  
4 class. I now serve as an instructor in the DRE program.

6 Q: How exactly did you get accredited as a crash investigator?

8 A: Well, we have initial training at the academy that all Troopers take. That  
9 portion is known as learning how to document a crash. One of the Patrol's primary  
10 responsibilities is to investigate crashes on our state highways. The Patrol offers  
11 additional training to troopers who wish to develop some expertise in crash  
12 investigations. There are three levels of additional training. The first is entitled "At  
13 Scene" where we learn what to look for at the scene of a crash. So, we learn about  
14 and learn to identify yaw marks and drag marks, etc. This training is a two-week  
15 course that consists of class work and simulations. The third level is known as the  
16 Technical Level. Here you incorporate physics and mathematics in your analysis.  
17 You must have 3-years of experience on the force before being eligible for this  
18 training. Finally, the last level of accreditation is known as the Reconstruction  
19 Level where you are trained to reconstruct accidents using the tools you have  
20 learned previously. There is a national organization that accredits accident  
21 investigators. It is known as the Accreditation Commission for Traffic Accident  
22 Reconstruction. They administer an 8-hour exam and if you pass, you get  
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1 accredited. Although I did not pass on my first try, being unable to complete the  
2 second portion within the 4-hour time limit, I tried again and passed and now am  
3 one of a few in the State with this accreditation.  
4

5 Q: Have you been recognized as an expert in the areas of drug recognition, and  
6 crash investigation in this state before?  
7

8 A: Yes, many times.

9 Q: Were you called to investigate the crash that took place on Interstate 10 in the  
10 early morning hours of April 30, 2018?  
11

12 A: I was.

13 Q: How were you notified?  
14

15 A: By dispatch.

16 Q: What were you told?  
17

18 A: That there had been a two-fatality crash on the Interstate and they needed a  
19 crash investigator.  
20

21 Q: What time did you get the call?  
22

23 A: I was notified by dispatch at 4:43 AM. I was at home asleep.

24 Q: What did you then do?  
25

26 A: Well, I got up, dressed in my uniform, got my gear and headed for the crash  
site. I arrived at 5:34 AM.

Q: When you got there, what was the first thing you did?

1 A: Well, I obviously took a look at the scene. Previous responders had managed  
2 to block traffic to attempt to preserve the scene as much as possible. I saw an  
3 ambulance, Armadillo County sheriff's deputies, EMT's and other first responders  
4 and a gold, Acura MDX that had crash damage. There was a semi-tractor parked up  
5 ahead. Another Lone Star Trooper, Joe Alexander, briefed me. He advised that a  
6 young female, approximately 3-years old, was deceased and had been already taken  
7 from the scene, that a deceased male was still at the scene, and that the driver of the  
8 Acura MDX had been taken to the hospital. I went and took a quick look at the  
9 deceased male. Alexander told me that the female who had survived had denied  
10 driving, although a deputy on the scene, Richard Zielinski, told me that she had  
11 admitted driving. Both Alexander and Zielinski advised me that it appeared that  
12 she was under the influence of alcohol or drugs. She appeared to be slurring her  
13 words and smelled of alcohol.

14 Q: So, what did you do next?

15 A: Well, I thought it would be important to attempt to obtain a blood sample  
16 from the surviving woman as soon as possible as we were already over an hour and  
17 one-half after the crash, and left Trooper Alexander and Deputy Zielinski in charge  
18 to preserve the scene, and headed to Lone Star Community Hospital to see if I could  
19 obtain consent for a blood draw under our implied consent statutes.

20 Q: How long did it take to get to the hospital.

1 A: About 10 minutes.

2 Q: Did you locate the suspected driver?

3  
4 A: I did, she was in the emergency room.

5 Q: What was her condition?

6 A: Well she was in pretty bad shape, in no condition to be taken to detention, but  
7 she responded to my questions.

8  
9 Q: So, you spoke with her?

10 A: I did.

11 Q: Did you ask her how she had come to be in the crash?

12  
13 A: I did. She said that she and her boyfriend, Tim, had been at the State Park and  
14 had been kicked out for being too loud. They had loaded up the Acura. That his  
15 daughter, Pippa, was asleep, so they decided to fold the rear seats down, put the  
16 foam mattress over the seats and let Pippa lie down. Tim was pretty drunk. Then  
17 they headed back to town.

18  
19 Q: Did you detect any alcohol on her breath.

20  
21 A: I did.

22 Q: How would you describe her demeanor?

23  
24 A: Well, she was a bit defiant, and did not show significant concern about the  
25 condition of her passengers.

26 Q: What did you do next?



1 A: I retrieved a copy of the Implied Consent Advisory Form and read the  
2 complete form to her except for the portion about commercial driver's licenses. I  
3 then asked her if she would consent to a blood draw, and she said yes.  
4

5 Q: I'm handing you what has been marked as the Government's Exhibit 1, can  
6 you identify this?  
7

8 A: Yes, I can.

9 Q: What is it?

10 A: That is the Implied Consent Advisory Form I used in this case.  
11

12 Q: Is this a true and accurate copy of the Implied Consent Advisory Form?

13 A: It is.

14 Q: What time did you read her this form?  
15

16 A: The form says 6:43 AM.

17 Q: So then what happened?

18 A: I watched the hospital tech draw the blood, took the blood sample with me  
19 and returned to the crash site.  
20

21 Q: When you spoke with Ms. Trevino at the hospital, were you able to estimate  
22 her height?  
23

24 A: Yes, although she was lying in a hospital bed, I estimated her to be  
25 approximately 5' 2" tall. That is consistent with the information on her driver's  
26 license.

1 Q: What happened after you got back to the crash site?

2 A: I looked for debris from the crash, examined the Acura, spoke to other  
3 responders at the scene about what they had seen upon arrival.  
4

5 Q: Did you learn what time the crash had occurred?

6 A: The first calls to dispatch came in at 4:17 AM reporting a single vehicle crash  
7 in the west-bound lane near milepost 109. We calculated that the crash had  
8 occurred somewhere between 4:10 and 4:15 AM.  
9

10 Q: What else did you learn?

11 A: There were three occupants in the Acura. All were ejected from the vehicle.  
12 Two were killed. The adult male, Tim Parker, was located on the right shoulder, a  
13 few feet east of the Acura, surrounded by a large pool of blood. His three-year old  
14 daughter, Pippa, was also deceased and found on the left side of the left lane a few  
15 feet west of the Acura. The third occupant, Bree Trevino, was discovered  
16 screaming and crying in the roadway, about 40-60 feet east of the Acura. She had  
17 suffered injuries in the crash but was conscious and able to walk and speak.  
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21 Q: Was the deceased adult male still at the scene when you got back from the  
22 hospital?

23 A: Yes  
24

25 Q: Did you examine his body?  
26

1 A: I got a rough estimate of his height and weight before the ambulance  
2 transported him. He was over 6-foot tall and I estimated his weight at about 220. I  
3 also noticed a significant bruise on his head.  
4

5 Q: What else did you note from the scene?

6 A: Well, the road conditions were dry and clear. The Acura was in upright  
7 position with no lights on and the key in the ignition, but there was no power to the  
8 vehicle. The sunroof had disappeared during the crash. There was hair in the edge  
9 of the broken out sunroof. The driver's seat was close to the steering wheel and I  
10 concluded that someone small had been the driver because the adult male was too  
11 large to fit in that seat. In the debris field, I saw an empty carton and an empty can  
12 of Twisted Tea. Inside the Acura I saw a full bottle of Twisted Tea on the floor in  
13 front of the second seating row. The rear seat backs of the Acura had been put  
14 down and a mattress rested on top of the seats. There was an unrestrained child seat  
15 laying on top of the mattress. I concluded that none of the occupants of the Acura  
16 had been wearing seatbelts. I also recovered two cell phones from the Acura.  
17

18 Q: Did you reach any conclusions on how the accident had occurred?  
19

20 A: I did. I determined that the Acura went into the median and the driver then  
21 over-corrected, causing the vehicle to roll. I concluded that the driver had fallen  
22 asleep and allowed the Acura to drift into the median, had been jarred back to  
23 attention when the Acura went into the median, had attempted to get back onto the  
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1 highway and overcorrected which at the speed that the Acura was driving caused  
2 the Acura to roll. The Acura travelled 236.8 feet in the median before it attempted  
3 to get back on the highway and began to roll. It was travelling at 70.48 mph in the  
4 median. There was no evidence of braking before the Acura began to roll. I  
5 estimate that it rolled 3-4 times before coming to rest 217.2 feet from where it hit  
6 the highway again and began to roll. It was airborne for 29 feet.  
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9 Q: You said that all three occupants were ejected. Were you able to conclude  
10 how and when they were ejected?  
11

12 A: Yes. I believe that Ms. Trevino was ejected first through the sunroof. I  
13 believe that Mr. Parker was ejected second through the rear door of the Acura, and  
14 then that the child was ejected last through the side window.  
15

16 Q: You indicated that you concluded that someone small, Ms. Trevino, had been  
17 the driver based on the location of the driver's seat. Did you make any other  
18 observations at the crash scene about whether or not Tim Parker could have been  
19 the driver?  
20

21 A: I did. As I said, he had a significant bruise on his forehead/right side of his  
22 face that was consistent with grab handle located above the window in the rear of  
23 the Acura. I concluded that he had received this bruise when the Acura rolled and  
24 he was thrown against the grab handle located in the ceiling. That led me to  
25 believe that he was in the back on the mattress at the time of the crash. Also, I  
26

1 mentioned that we found hair in the edge of the sunroof. The Crime Lab matched  
2 the DNA from that hair to Ms. Trevino.

3  
4 Q: You indicated that when you found the Acura, there was no power to the  
5 Acura, and you observed the seat close to the steering wheel. Did you take any  
6 specific measurements about the location of the driver's seat? Were photographs  
7 taken at the crash scene.

8  
9 A: No, I eyeballed it, just like I eyeballed the height and weight of Tim Parker  
10 and concluded he could not have sat in the driver's seat as found.

11  
12 Q: Did you attempt to see if the seat could have moved during the time it was  
13 rolling over and over?

14 A: Well, I wasn't there so could not have done that. With no power, the seat  
15 could not move.

16  
17 Q: Did you document the crash scene?

18 A: Oh yes, we try to document as much as we can from a fatality accident.

19  
20 Q: And did you prepare any crash scene diagrams?

21 A: I did.

22 Q: Handing what has been marked for identification as Government's exhibits  
23 1,2,3,4,5,6, 7 and 8, can you identify these items?  
24

25 A: Yes, I can. Exhibit 1 is my diagram of the crash scene. The other exhibits  
26 are the photos taken at the crash scene that show the Acura, the debris field, the

1 empty carton of Twisted Tea, the bottle of Twisted tea, the grab handle inside the  
2 Acura, and the baggie of marijuana recovered from the Acura.

3  
4 Q: Is your diagram a true and accurate copy of the original and do the photos  
5 clearly and accurately depict what they portray?

6 A: Yes, it is and they do.

7  
8 Q: You mentioned that you retrieved two cell phones. Did you do any later  
9 examination of these items?

10 A: Yes, I applied for a search warrant to examine the phones. We determined  
11 that one of the phones belonged to Ms. Trevino and the other to Mr. Parker. Ms.  
12 Trevino's phone contained some text messages sent to a Jake S. moments before the  
13 estimated time of the crash. Mr. Parker's phone was examined by one of our local  
14 experts and he determined that it continued to "ping" off various cell towers  
15 between the Campground and the site of the crash during the time right before the  
16 crash.  
17  
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19 Q: Were these text messages important to your investigation?

20  
21 A: Absolutely. The text messages on the phone made reference to smoking  
22 marijuana that evening and that they were on their way to meet up with Jake S. to  
23 smoke some more marijuana.  
24

25 Q: What did you do with the blood sample that had been taken from Ms. Trevino  
26 at the hospital?

1 A: Well, I kept it in my possession when I returned to the crash scene, locked it  
2 up in my patrol car, and after completing my investigation, I took it straight to the  
3 Crime Lab for analysis.  
4

5 Q: After delivering the blood sample to the Crime Lab, did you do any other  
6 investigation of this event?  
7

8 A: Well, I completed work on my report and the crash scene diagram, I located  
9 and interviewed Jake S. and learned that Ms. Trevino had spent time with Jake  
10 earlier in the evening and that they had smoked marijuana together and that Jake  
11 was expecting her to stop by the Qwik Stop and again smoke some marijuana  
12 because of the text messages, but Jake never heard from her after 4:15 AM.  
13

14 Q: Anything else?  
15

16 A: No just responding to this deposition and meeting with the prosecutors to  
17 prepare the case.  
18

19 Q: Based on all of your investigation, your analysis of the crash scene, your  
20 contact with Ms. Trevino and your review of the crime lab reports, do you have an  
21 opinion whether or not she was the driver and was under the influence of alcohol  
22 and drugs at the time of the crash?  
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24 A: I do. She was definitely the driver and she was under the influence.  
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IN THE FOURTH JUDICIAL DISTRICT COURT  
FOR THE COUNTY OF ARMADILLO  
STATE OF LONESTAR

STATE OF LONESTAR,  
  
v.  
  
BREE CANDY TREVINO.

CRIM. NO. 18-DC-70  
DEPOSITION OF S. PHILLIPS

July 7, 2018

Q: Would you state your name please?

A: My name is S. Phillips.

Q: How are you employed?

A: I am the Director of the Lone Star Division of Forensic Sciences, commonly known as the State Crime Lab.

Q: How long have you served as Director?

A: I was named as the Director by the Attorney General nine months ago.

Q: Before being named as the Director, what did you do?

A: I was a forensic toxicologist at the Lab. I worked in that position for 10 years.

Q: Tell us about the training that you had to qualify you to be a forensic toxicologist.



1 A: Well, I graduated from the University of Lone Star with a B. S. degree in  
2 microbiology. During college, I worked as an intern for the Austin Police  
3 Department Crime Lab in their toxicology section and learned police procedure.  
4 After graduation, my first job was with the Lone Star State Crime Lab and I've been  
5 there ever since. I started doing analysis of blood alcohol samples primarily for  
6 DUI cases but also for probation cases, later also began doing analysis of blood  
7 samples for suspected drugs, both prescription drugs and illegal drugs in driving  
8 cases.  
9

10  
11  
12 Q: After graduating from college and beginning work at the Crime Lab, did you  
13 undergo any additional training?

14 A: I did, quite a bit. Well, I began work on my Master's degree part-time and  
15 was awarded that degree in microbiology five years ago. When I first started work  
16 at the Crime Lab, I received on-the-job training at the Crime Lab. I was trained in  
17 the procedures that are followed there, and then worked with a more experienced  
18 toxicologist on samples. Each sample I did, was re-checked by the senior  
19 toxicologist to see if I was correct and if I followed proper procedures. Annually,  
20 we are evaluated for our proficiency. Our Lab is accredited by the American Board  
21 of Forensic Toxicology, so each year out-side peer reviewers come to the Lab to  
22 review our work and our procedures. So far, the Lab and I have passed each  
23  
24  
25  
26 review. We have followed the recommendations of the Scientific Working Group

1 on Toxicology to ensure that our procedures and our toxicologists meet the latest  
2 requirements. I also attend annually a forensic toxicology conference so that I can  
3 be updated on the latest science. Our Lab subscribes to all of the journals in the  
4 field and I keep up with the articles. I have been asked to teach some classes at the  
5 local university on law enforcement toxicology analysis.  
6

7  
8 Q: Before we go any further, could you tell us exactly what forensic toxicology  
9 is?

10 A: Well, basically, toxicology is the analysis of unknown samples to determine  
11 what is contained within the sample and how much of the unknown is in the  
12 sample, in other words the weight of the unknown. When we use the term  
13 “forensic” we simply mean that it is court related. For me in particular, I analyze  
14 blood and other bodily fluids.  
15  
16

17 Q: So how do you go about your job?

18 A: Well, when I am assigned a case, I complete a sheet of the assignment. I  
19 complete the sheet using the referral sheet from the law enforcement agency that  
20 has submitted the sample for analysis. That sheet will have a suspect’s name, an  
21 agency case number, a brief description of what is being submitted, and after it  
22 comes in, it is assigned a Lab case number. I enter all of the information into my  
23 processing sheet. I then retrieve the sample from our secure storage. In this case,  
24  
25  
26

1 the sample I retrieved consisted of two blood vials that had been kept in our locked  
2 refrigerator.

3  
4 Q: After you retrieve the sample, then what do you do?

5 A: I make use of the scientific instruments in the Lab to conduct the analysis.

6 Q: Please explain.

7  
8 A: Well, first, I extract a very small portion of the sample (in this case of the  
9 blood) and run a screening test on it to see if it tests positive for alcohol or common  
10 drugs. We use an immunoassay for this screening, a different immunoassay for each  
11 suspected drug. An Immunoassay is simply a chemical solution designed to react to  
12 particular substances. If we get a positive result, we then move to do a  
13 confirmatory test.  
14

15  
16 Q: What do you use for a confirmatory test.

17 A: We use different instruments, each paired with another instrument known as  
18 a mass spectrometer or MS. One instrument is known as a high performance liquid  
19 chromatography (LC) and the other is a gas chromatograph (GC). Each of those  
20 instruments is paired with another instrument known as a mass spectrometer. The  
21 LC-MS or the GC-MS not only confirms, but provides quantification. The LC or  
22 GC separates the sample into its components while the MS represents a unique  
23 “fingerprint” pattern that can be used for identification.  
24  
25

26 Q: What do you then end up with?

1 A: You end up with a printed chart from the MS that shows certain peaks on the  
2 chart of different heights. Each compound will result in a different peak, and the  
3 peaks are calibrated with standards so when we see the chart, we know what was in  
4 the sample and how much of the particular unknown is in the blood typically  
5 represented as nanograms per milliliter of blood.  
6

7  
8 Q: So, in this case, what did you do?

9 A: I first extracted with a pipette a very small amount of the sample to run the  
10 screening tests. In this case, we ran 7 separate screening tests to screen for both  
11 alcohol and common drugs.  
12

13 Q: Then what?

14 A: Well, we got positive results on the screening tests for several substances so  
15 we then used the GS-MS for the confirmation tests and quantitative analysis.  
16

17 Q: Did you get results?

18 A: We did.  
19

20 Q: Are those results documented in a report?

21 A: They are.

22 Q: I'm handing you what is identified as Government's Exhibit 12 and ask if  
23 you can identify that document?  
24

25 A: I can, it is the report I prepared for the analysis conducted in this case.

26 Q: So, what did you find?

1 A: The screening test showed a positive for THC, the active ingredient in  
2 marijuana. When I conducted the quantitative analysis using the GS-MS I found  
3 that there were 33 ng/ml of THC-COOH (Marijuana metabolite) in the sample.  
4  
5 This metabolite is an inactive form of THC, but does show some prior use of  
6 marijuana, but pinning down the exact time frame of that use is difficult to say.  
7  
8 Although individuals differ, the literature states that the active ingredients of  
9 marijuana generally stay in a person from 3-5 hours. We found .045 of MDMA  
10 commonly known as Ecstasy, in the sample. We did not detect any alcohol in the  
11 sample.  
12

13 Q: What kinds of effects does MDMA have on the body?

14 A: It has hallucinogenic properties which can cause dilated pupils, body tremors,  
15 difficulty with speech, poor perception of time and distance, and disorientation.  
16

17 Q: So, do substances that are ingested into the body metabolize and therefore  
18 cannot be detected after passage of time?  
19

20 A: They do. Alcohol generally lasts from 0-1 day. Marijuana can be detected  
21 14-30 days after use, although the active ingredient dissipates much faster. Ecstasy  
22 lasts 5-7 days.  
23

24 Q: As part of your evaluation of this case, were you made aware of analysis of  
25 Ms. Trevino's blood drawn at the hospital.  
26

1 A: Yes, I was. It is typical in a case when someone is brought to the hospital for  
2 treatment of injuries received in an automobile crash for the hospital to draw blood  
3 and analyze that blood for treatment purposes. In this case, that was done.  
4

5 Q: What did the hospital results show?

6 A: That test showed that she had 0.054 g/100ml of alcohol in her blood.  
7

8 Q: So did the Lone Star Crime Lab do any other sort of analysis connected with  
9 this case?

10 A: Yes we did. We did DNA analysis of hairs recovered from the vehicle to see  
11 if we could match the recovered hairs with the individuals.  
12

13 Q: What hairs were analyzed?

14 A: Well, there were some long hairs recovered from the edge of the sunroom,  
15 and show other hairs recovered from a rear side window  
16

17 Q: Handing you what's been marked as Government's Exhibit 14, what is that?

18 A: It is the DNA Report completed by the Crime Lab.  
19

20 Q: Are you a keeper of all of the records at the Crime Lab?

21 A: Well, as the Director, I am in charge of everything, so that includes the  
22 records.  
23

24 Q: Was the Crime Lab able to make any matches to the individuals involved in  
25 this case?  
26

1 A: Yes we were. The long hair matched the DNA profile for Bree Candy  
2 Trevino. The other hair matched the profile for Pippa Parker.  
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1 BREE CANDY TREVINO,

2 the witness, after having previously been duly sworn to tell the truth, the whole truth and  
3 nothing but the truth, was examined and testified as follows:

4 EXAMINATION

5 BY MR. WINTERS:

6 Q: All right. Ms. Trevino, before I ask you any questions, I need to advise you of your  
7 rights. You are now appearing before a Lone Star grand jury which is investigating allegations  
8 that you negligently caused the death of one Tim Parker, while were operating a vehicle, in  
9 violation of the law. You are the target of this investigation but the investigation is on ongoing  
10 one and it is possible that you could be named as a defendant in an indictment arising out of this  
11 investigation. Do you understand? Did you receive a subpoena to testify before this Grand Jury?  
12

13 A: Yes.

14 Q: And, do you recall that there was a letter attached to the subpoena? That letter  
15 explains to you your rights as a grand jury witness. Did you discuss this letter with your lawyers?  
16

17 A: Yes. They explained to me about my rights.

18 Q: I will go over these rights with you again to make sure you understand. You have a  
19 right to refuse to answer any question if you believe that the truthful answer to that question might  
20 tend to incriminate you. You may answer some questions and you may refuse to answer other  
21 questions which you believe may incriminate you. Do you understand this part of it?  
22

23 A: Yes.

24 Q: If you answer any questions, the answers which you give may be used against you  
25 in a court of law or other proceedings. Do you understand?  
26

A: Yes.

1 Q: If you decide to answer questions which are asked of you, you may also thereafter  
2 stop answering at any time and invoke your privilege against self-incrimination as I have already  
3 explained to you. Do you understand?

4 A: Yes.

5 Q: Under the Sixth Amendment, you have the right to consult with an attorney of your  
6 choice before answering any questions. Further, although an attorney cannot be with you in this  
7 grand jury room, because its proceedings are secret, your attorney may be present outside the  
8 grand jury room and you may request permission to leave the grand jury room, at any time, to  
9 confer with your attorney before answering any questions. Do you understand this?  
10

11 A: Yes. One of my lawyers is outside. They did not want me to testify, but I told  
12 them I wanted these people to know what happened. They said it was my choice.  
13

14 Q: You are under oath, so you have sworn to tell the truth. If you lie to this grand  
15 jury, that is, if you make a knowing misstatement of a material fact to the grand jury, you could be  
16 charged with perjury. Do you understand that?

17 A: Yes.

18 Q: Do you understand each and all of your rights as I have explained them to you?

19 A: Yes.

20 Q: Do you have any questions about your rights?

21 A: No.

22 Q: Knowing your rights, do you wish to testify here today?

23 A: Yes. I want to tell my side.

24 Q: Okay Ms. Trevino, we're getting there. First, tell me where you are from. Did you  
25 grow up here?  
26

1 A: Yes. My father owns the bank, First National of Dullas. I attended Dullas High  
2 School and am a junior at A & M University, where I am working on my degree in early  
3 childhood education. I expect to have my teacher's certificate upon graduation next year and then  
4 will be looking for a job here in town. I met Tim last year at Christmas break and we hit it off.  
5 We dated for about six months.

6 Q: Tim is Tim Parker?

7 A: Yes.

8 Q: How old are you?

9 A: I'm 21.

10 Q: Are you married?

11 A: No.

12 Q: Do you have children?

13 A: No. But Pippa was like my daughter.

14 Q: But she was not your child and you were not married to her father Tim Parker?

15 A: Right.

16 Q: I notice you are in a wheelchair. Is that the result of the injuries you suffered in the  
17 crash where Tim was killed?

18 A: Yes.

19 Q: Did the doctors tell you what your injuries are?

20 A: Yes. They were all in the discharge papers I received when I left the hospital.

21 Q: What were your injuries from the crash?

22 A: I have hairline fractures of vertebra bones T1 through T5, and T-6 was broken. I  
23 have a broken pelvis and sacrum. I have these cuts on my head and some on other places. And I  
24  
25  
26

1 have this horrible road rash on my side around my hip. That will probably leave an ugly scar. I  
2 just got out of the hospital, and I am staying with my grandmother right now because she lives  
3 near the hospital.

4 Q: Are you taking any pain medicine?

5 A: Well, just Tylenol right now. The doctors say I must have a high pain threshold,  
6 because I only have a little discomfort now.

7 Q: So you are not under the influence of any kind of medication that would affect your  
8 ability to understand these proceedings or the questions I'm asking you?

9 A: No.

10 Q: What about any kind of illegal drugs, like marijuana?

11 A: No.

12 Q: How about Ecstasy? They call it Molly.

13 A: No.

14 Q: I understand that when you were released from the hospital to pretrial supervision,  
15 your initial urine sample was positive for marijuana. Is that right?

16 A: That's possible. I used to smoke and I think it takes a while to get out of your  
17 system. That's what they told me at pretrial services anyway.

18 Q: And to be clear, when you said "used to smoke," you mean marijuana?

19 A: Yes.

20 Q: When did you stop?

21 A: A long time ago.

22 Q: So, does that mean a week? A month? A year?

23 A: A couple of weeks before.

1 Q: Before what?  
2 A: The wreck. The accident.  
3 Q: The wreck that killed Tim Parker?  
4 A: Yes. The accident.  
5 Q: When did that occur?  
6 A: It was on April 30.  
7 Q: Of 2018?  
8 A: Yes.  
9 Q: What time was it?  
10 A: I believe it was about 4:00 in the morning.  
11 Q: On Interstate 10?  
12 A: Yes.  
13 Q: Whose car was it?  
14 A: His. Tim's. We both used the car.  
15 Q: Who was driving?  
16 A: He was.  
17 Q: Are you sure about?  
18 A: Yes. I was in shock.  
19 Q: Not in shock until after the wreck, though, right?  
20 A: After the accident.  
21 Q: But wasted before, right?  
22 A: No.  
23 Q: Well, the troopers recovered an empty carton of Twisted Tea and an empty can of  
24  
25  
26

1 Twisted Tea there in the car. Had you been drinking?

2 A: Well, I hate to say so, but I had a couple of the Twisted Teas while we were at the  
3 State Park..

4 Q: And you hate to say so because you were actually driving the car?

5 A: No, I was not driving then. I hate to say so because if I had been more in control, I  
6 might have been able to talk Tim out of driving us, maybe to call somebody to come get us. Tim  
7 was pretty wasted, but he refused to listen to me.  
8

9 Q: Let's back up. Where had you and Tim been earlier that night?

10 A: Well, late in the evening we went to Armadillo State Park to party and have fun. I  
11 remember I was driving when we went there. We met some people there we didn't even know,  
12 but they were fun and we were too. Then some other people came over to us and told us we were  
13 being too loud and obnoxious. They basically kicked us out. We were just trying to have a little  
14 fun. I didn't see anyone else around, so I can't imagine who complained about us. The other  
15 people who were there were in it with us—we were all just having a good time. People were  
16 singing with the karaoke. There were two women there, I remember them because they were not  
17 from Lone Star. Eugenia and Pamela. They said they had an all women band. They were not  
18 bad, but I don't know if they really had a band or not. Anyway, the point is, if they hadn't kicked  
19 us out, none of this would have happened. I suggest that you all find out about that and who those  
20 people were and why they kicked us out. In reality, it seems to me that if we are going to assign  
21 fault, they should bear their share, those obnoxious people at that park. We weren't hurting  
22 anything.  
23  
24

25 Q: How much did you have to drink?

26 A: I already told you. I had a couple of Twisted Teas..

1 Q: So you were you drinking Twisted Tea?

2 A: Yes, and so was Tim.

3 Q: Were you drinking other alcohol as well?

4 A: Well, those other people at the park had several kinds of drinks. I seem to recall  
5 vodka and peppermint schnapps, among others. I don't think I had any.

6 Q: So who was in the car when you left the park?

7 A: Tim was driving and I was in the passenger seat. Pippa was sleeping in the back.

8 Q: Who put Pippa in the car?

9 A: I don't remember for sure, but it must have been Tim.

10 Q: Did you check the security of the child seat?

11 A: She wasn't in the child seat. She was asleep in the back. I really don't remember  
12 much about leaving, except that those people were very unpleasant when they kicked us out.

13 Q: Why was Pippa with you and Tim at that time of the night?

14 A: Tim couldn't leave her home alone, and we couldn't get a babysitter. We just  
15 wanted to get out for a little while on a Saturday night.

16 Q: And are you sure Tim was driving when you left?

17 A: Yes. I wasn't driving, so it had to be Tim. I remember driving us to the park.

18 Q: When you left the park, where did you go?

19 A: We were going to head home.

20 Q: I want to ask you about some text messages from your phone. You had your phone  
21 with you that evening, didn't you?

22 A: Yes. I take it everywhere.

23 Q: I'll show you what's been marked Exhibits 10-A through 10-E. Do you recognize  
24

1 this screen shot of some text messages in your phone?

2 A: Let me see.

3 Q: On your phone, your texts are the orange ones and the people you are texting with  
4 are the gray ones, right?

5 A: Yes.

6 Q: So on April 29, at 5:51 p.m., you and someone listed in your contacts as “Mama”  
7 were texting back and forth about money you needed for some “bud.” Is that your mother?  
8

9 A: Yes.

10 Q: So you and your mom were texting about marijuana?

11 A: Yes.

12 Q: And she said she didn’t know if she had \$40 for you?

13 A: Yes.

14 Q: In Exhibit 10-E, you asked your mom to meet you out of town later, and she said  
15 she was going to a movie in this text at 6:07 p.m.?  
16

17 A: Yes.

18 Q: Later that evening, were you texting with someone you know as “Jake S”?

19 A: Oh. I guess I was. We met Jake behind the bar.

20 Q: What is Jake’s last name?

21 A: I don’t really know. It starts with an “S.” He is a friend of Tim’s.

22 Q: In Exhibit 10-C, which is at 1:45 a.m. on April 30, you asked Jake if he got a break,  
23 whether he would join you by the trash cans to “smoke a bowl.” Do you see that here?  
24

25 A: Yes. That was before we went to the Park.

26 Q: Explain that please.



1 A: Well, Jake worked in town as a bouncer at a bar and it was Saturday night, so he  
2 was working late at the bar. And we were asking him if he wanted to come out back by the  
3 dumpster to hang out with us later.

4 Q: Did you smoke marijuana there?

5 A: No. "Smoke a bowl" means smoking meth. I don't use it.

6 Q: Did you get money to buy marijuana that night?

7 A: No.

8 Q: Was there any marijuana in the car?

9 A: Not that I knew of. I didn't have the money, and I had quit.

10 Q: Had you really quit? Or you just didn't have the money when you sent that text?

11 A: No, I had quit. I know it is against the law.

12 Q: You didn't do anything to raise the money that night? Like sell a little "Molly?"

13 A: No.

14 Q: So you and who else were at the dumpster?

15 A: Tim, Jake and maybe some other people too. I don't remember who else was there.

16 Q: Was anyone smoking meth or marijuana, including you?

17 A: I remember just talking and hanging out while Jake was on his break. Those  
18 people had kicked us out of the park, so we were looking for somewhere else to have a little fun.  
19 Jake is funny guy so we wanted to see about hanging out with him.

20 Q: And in this text message at 1:45 a.m., Jake told you that "dope sounds good," and  
21 he would take a break in 15 minutes or so, right?

22 A: That's what it says.

23 A: At 1:48 a.m., in Exhibit 10-C, you sent a text back describing the gold Acura you

1 drove to Armadillo State Park, right?

2 A: That's the car we were in. I don't remember these texts.

3 Q: And on Exhibit 10-A, at 2:36 a.m., Jake replied to your text that it sounded good  
4 and he was thinking about getting a half-ounce of "Molly," too, didn't he?

5 A: Yes. The text you are showing me says it would depend on the price.

6 Q: Then you replied, "Sounds good," and he replied, "Yup," right?

7 A: That's what it says.

8 Q: You sent these texts didn't you?

9 A; Tim must have used my phone for that too.

10 Q: Now on Exhibit 10-B, Jake is asking you at 2:29 a.m., how much for Molly, isn't  
11 he?  
12

13 A: I don't remember that text.

14 Q: You replied it depended on the "bulk," or the amount, isn't that right?

15 A: I don't remember these messages.

16 Q: Here it is on Exhibit 10-B. For the record, I am showing you this exhibit too. At  
17 2:30 a.m., you said it would depend—for bulk it was 10, and for a single it was 15 a hit, and you  
18 also wanted him to know it was "bomb stuff," the "Molly." That means is was really strong stuff,  
19 right?  
20

21 A: I assume that's what it means.

22 Q: Isn't that what it says?

23 A: Well, yes. I think Tim was sending those messages. He could have gotten my  
24 phone anytime. I used his sometimes too. That's what it says, but I don't remember any of this. I  
25 only remember meeting Jake before we left for the Park.  
26

1 Q: "Molly" is the same as Ecstasy? MDMA?

2 A: Yes.

3 Q: Did you use MDMA, or "Molly," that night or the early morning of April 30?

4 A: I did not take any on purpose, but someone could have put some in one of my  
5 drinks. We were around people I didn't know at the park and behind the dumpster. I did not  
6 intentionally take any "Molly" that night. I hate to think that it could have been Tim who did that  
7 to me. I thought he was different, special. I thought we had a future together. But I'm seeing  
8 these messages on my phone, and I-- may I have some water?

10 Q: Of course. Are you alright?

11 A: Yes. Thank you.

12 Q: What happened between the time you met Jake behind the dumpsters and the time  
13 of the accident?

14 A: We went to the State Park for the night and that's where we met those people who  
15 were so fun, and then some others kicked us out after a couple of hours and we headed back to  
16 town.

18 Q: Do you remember telling anyone at the scene of the crash who was driving?

19 A: Well, I drove us to the Park. And I drove to meet Jake too before we went to the  
20 Park. That's what I can remember. Everything around the accident, it's a blur. Like a bad dream,  
21 you know. I remember the car rolling over and over, then I was walking around in the road, and  
22 then the police came. The blue lights were flashing everywhere and they all had flashlights  
23 shining in my face and trying to talk to me. I was in shock, you know. It's like it wasn't real. I  
24 was bleeding and my head was cut. I started to ache everywhere and they took me to the hospital.  
25 I think I asked about Tim and Pippa, but nobody would tell me anything. They just kept asking  
26

1 me questions. I believe I told them that I was not driving, if they asked me, because I wasn't.

2 Q: So were you driving at the time of the wreck or not?

3 A: I told you it was all a blur. I think Tim was driving.

4 Q: So the Trooper who investigated the crash found the driver's seat in the most  
5 forward position indicating that Tim could not have fit in the seat and driven. Are you sure you  
6 weren't driving?  
7

8 A; You know that seat had a malfunction. It would slip forward if we hit a pothole.  
9 Tim got a Recall Notice from Acura, but hadn't taken the car in for its repair.

10 Q: Can you tell us what caused the wreck?

11 A: I don't know for sure. What I remember is the car swerved from one side to the  
12 other, and then it rolled over and over. I was out of the car before I realized what happened. I was  
13 in the road. I'm not sure how I got out. That's when the police came.  
14

15 Q: Was anyone in the car wearing a seatbelt?

16 A: I don't know. I usually wear a seatbelt but I just don't remember.

17 Q: The trooper's report says you didn't ask about Tim or Pippa, and you didn't show  
18 significant concern for their condition. Is that true?

19 A: I don't know what he thought significant concern could be. I was in shock.

20 Q: Do you remember the troopers asking you for consent to draw your blood for a  
21 test?  
22

23 A: I remember someone talking to me about that, but I don't remember who that was.  
24 I think I did. I was hurting all over from the accident. I think they gave me something for my  
25 pain before the ambulance took me to the hospital.

26 Q: You didn't drink any more alcohol after the wreck did you?

1 A: No. The medical people were trying to take care of me.

2 Q: Is there anything else you want to tell us?

3 A: No, I don't think so. I just wanted you to hear my side of the story. I wanted to tell  
4 you that none of this would have happened if we had just been allowed to stay at the park. It was  
5 just a horrible accident. I lost the people I loved in that wreck. I just wanted to tell you all that.

6 Q: Okay Ms. Trevino. You are excused.

7  
8 FURTHER THE DEPONENT SAYETH NOT.

9 CERTIFICATE

10 I do hereby certify that the above transcribed by me using computer-aided transcription  
11 and that the above is a true and correct transcript of said proceedings taken down by me and  
12 transcribed by me.

13 I further certify that I am neither of counsel nor of kin to any of the parties nor am I in  
14 anyway financially interested in the outcome of this case.

15 I further certify that I am duly licensed by the Lone Star Board of Court Reporting as a  
16 Certified Court Reporter as evidence by the LCCR number following my name found below. So  
17 certified this the 18<sup>th</sup> day of May, 2018.

18  
19 s/ Watu Saide  
20 Watu Saide, CCR  
21 LCCR #71 (Exp. 9/30/18)

22

23

24

25

26

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**REPORT OF DR. C. L. POZZA  
RE: BREE CANDY TREVINO  
ANALYSIS OF TOXICOLOGY REPORT**

In preparation for this analysis, I have reviewed the discovery provided by the State to the defense attorneys representing Bree Candy Trevino in a criminal prosecution for vehicular homicide while under the influence, a charge brought relating to a single vehicle crash on April 30, 2018 at approximately 4:17 a.m. These materials include the state troopers' reports, photographs, Trevino's grand jury transcript and a toxicology report prepared and authenticated by five toxicologists at the Lone Star Department of Justice, Forensic Science Division. I observed that the troopers report collecting alcoholic beverages from the vehicle at the scene, and that they detected the odor of alcohol on Trevino's person at the hospital. I also observed that there was a report that Trevino had smoked marijuana at approximately 1:00 a.m. the morning before the crash.

I have observed that the initial blood draw taken by hospital personnel for treatment purposes where Trevino was transported immediately after first responders arrived at the scene, approximately one hour after the crash, showed an alcohol concentration of 0.054g/100ml. The second blood draw was taken after the trooper arrived at the hospital and requested a blood sample pursuant to Lone Star's Implied Consent statute. This sample was taken approximately three hours after the crash and submitted to the Lone Star Crime Lab for analysis. It was only after one of the troopers reviewed the hospital records and realized that there was no drug screen conducted on the first blood draw that he requested additional testing on the hospital sample.

The toxicologists at the state forensic science laboratory received this second blood sample and conducted an analysis. This report is identified as Exhibit 12. I have observed that no ethanol was detected in this blood sample. I further observed that among the drug confirmations found in the state's analysis was THC-COOH, which was 33ng/ml.; MDMA, which was .45 mg/l. I have observed the annotation in the state's report that THC-COOH is an inactive metabolite of THC.

I am aware that the state is seeking to prove that Trevino operated the vehicle involved in the crash while under the influence of alcohol and drugs. I am aware that state might seek to offer the state's toxicology report, Exhibit 12, as evidence supporting the proposition that Trevino was under the influence of a controlled substance at the time of the crash. I will first discuss the THC substances.

THC is the substance in marijuana which landed it on Schedule I of the controlled substances act. Both state and federal court have held that the purpose of banning marijuana was to ban the euphoric effects produced by THC, in that the hallucinogenic or euphoric effects produced by this agent led to the ban on possession, importation and distribution of marijuana.

THC is primarily metabolized in the human body to 11-hydroxy-THC, which has equipotent psychoactivity to delta-9-TCH. The 11-hydroxy-THC is then rapidly metabolized to the 11 nor-carboxy-THC, or THC-COOH, which is not psychoactive. This is the body's biological process of converting marijuana into a water-soluble form that can be excreted more easily. THC-COOH is not listed as a schedule I controlled substance. The statute also includes "derivatives" of marijuana, and "synthetic equivalent" of marijuana. THC-COOH is neither.

A derivative is not the same thing as a metabolite, and as indicated above, THC-COOH is the second stage metabolite from 11-hydroxy-THC. THC-COOH is not a synthetic equivalent of THC because synthetic substances are substances that were altered, sometimes in minor ways, but that can still have pharmacological effects on a person. This definition does not include THC-COOH, which as stated previously is actually a metabolite— that is, a natural by product that is created when a person's body breaks down THC. Therefore, THC-COOH is not a synthetic substance either.

From my training and experience, I know that this metabolite, THC-COOH could remain in a person's blood for a long period after the THC is gone. It could remain in a person's system for weeks after the marijuana was ingested, as many as 28 to 30 days after ingestion. While the presence of THC-COOH in the blood conclusively proves that a person ingested THC in some point in time, its level in the blood correlates poorly, if at all, to an individual's level of THC-related impairment. In fact THC-COOH could remain in the blood long after all THC has gone, as THC quickly leaves the blood and enters the body's tissues. It is widely accepted in the forensic science community that the levels of THC-COOH does not correlate with the effects of THC. The scientific evidence is irrefutable that THC-COOH stays in a person's system far past the point of any impairment. Chronic users can have mean plasma levels of THC-COOH of 45 ng/ml 12 hours after use, when corresponding THC levels are less than 1ng/ml.

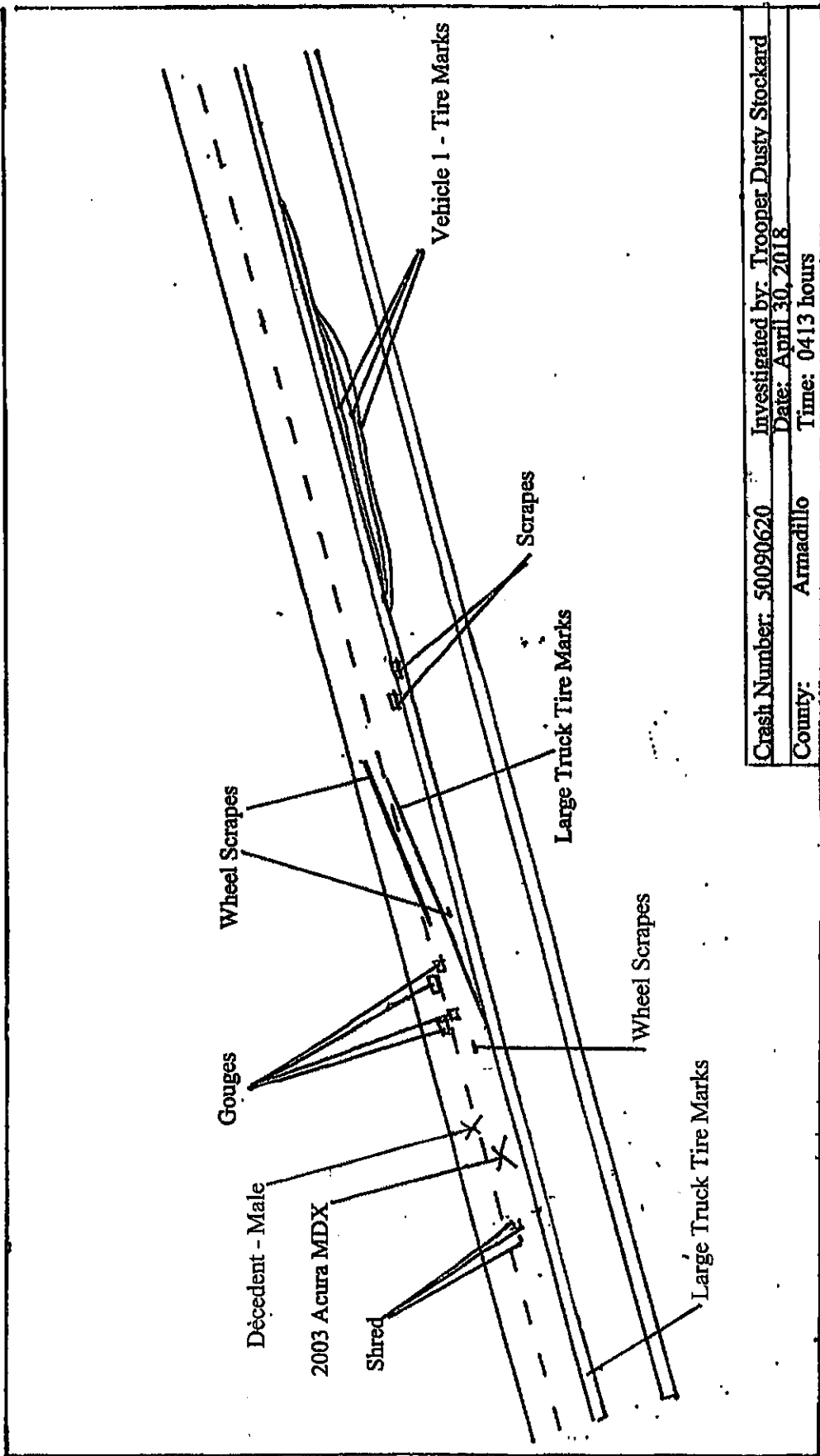
In this case, Trevino's levels of THC-COOH was less than 33ng/ml. In her grand jury testimony, Trevino admitted that she had previously used the substance, but had stopped using it some weeks before the accident. Accordingly, in my professional opinion, this level of THC-COOH is most likely the result of prior use, and certainly cannot be used to attribute marijuana use or intoxication to Trevino at the time of the accident.

The second substance identified in the blood sample was MDMA. MDMA, or 3,4-Methylenedioxymethamphetamine, is a Schedule I controlled substance. It is completely synthetic. It is a hallucinogen which stimulates the central nervous system when ingested.

It can make a person feel euphoria, but it is a dangerous drug which causes increased body temperature, brain swelling, and hallucinations. It can render a person incapacitated and without recall ability. Elimination of MDMA from the body is moderately slow, the half-life for MDMA disappearance from the blood being approximately 8 hours. Accordingly, approximately 40 hours must pass for the body to eliminate 95% of the MDMA ingested. Between 50 mg to 150 mg of MDMA is considered a typical dosage range for a unit of MDMA, so it is apparent that the dosage units vary widely. In other words, two dosage units at 50 mg each would not create the same effects at one dosage unit at 150 mg. The relationship of specific blood drug levels to impaired driving has not been established for MDMA as it has for alcohol. Accordingly, even though the presence of MDMA may be established in a blood sample, impairment cannot generally be attributed to that substance. An exception would be where there is a massive amount of the substance present, which would be expected to result in impairment in any activity. That is not present in Trevino's case. In my professional opinion, the level detected in Trevino's blood, .45 mg/l, does not establish that she was impaired by MDMA at the time of the accident.

Materials I have reviewed which have informed my opinion in this report, in addition to those listed above, include the National Highway Traffic Safety Administration publication, "Drugs and Human Performance Fact Sheets" published in April 2004, the NIDA Research Monograph 7, Cannabinoid Assays in Humans, by Robert E. Willette, Ph. D., the National Highway Traffic Safety Administration's Marijuana Impaired Driving Report to the United States Congress, PMC US National Library of Medicine National Institutes of health, CMAJ-JAMC 2001 Oct 2; 165(7);917-928, Journal of Analytical Toxicology, Vol. 21, November/December 1997 Letter to Editor by M.R. Moeller and M. Hartung, Institute of Legal Medicine, Homburg/Saar, Germany, and Independent Drug Monitoring Unit.





Crash Number: 50090620	Investigated by: Trooper Dusty Stockard
County: Armadillo	Date: April 30, 2018
	Time: 0413 hours

EXHIBIT  
1



EXHIBIT  
2



EXHIBIT  
3





EXHIBIT  
4



EXHIBIT  
5





EXHIBIT  
6



EXHIBIT

7



EXHIBIT  
8



## Acura MDX Recall

### TO ALL OWNERS OF ACURA MDX VEHICLES:

There is currently a recall for your vehicle. Act soon!



### NHTSA Vehicle Safety Recalls

- Recall Number

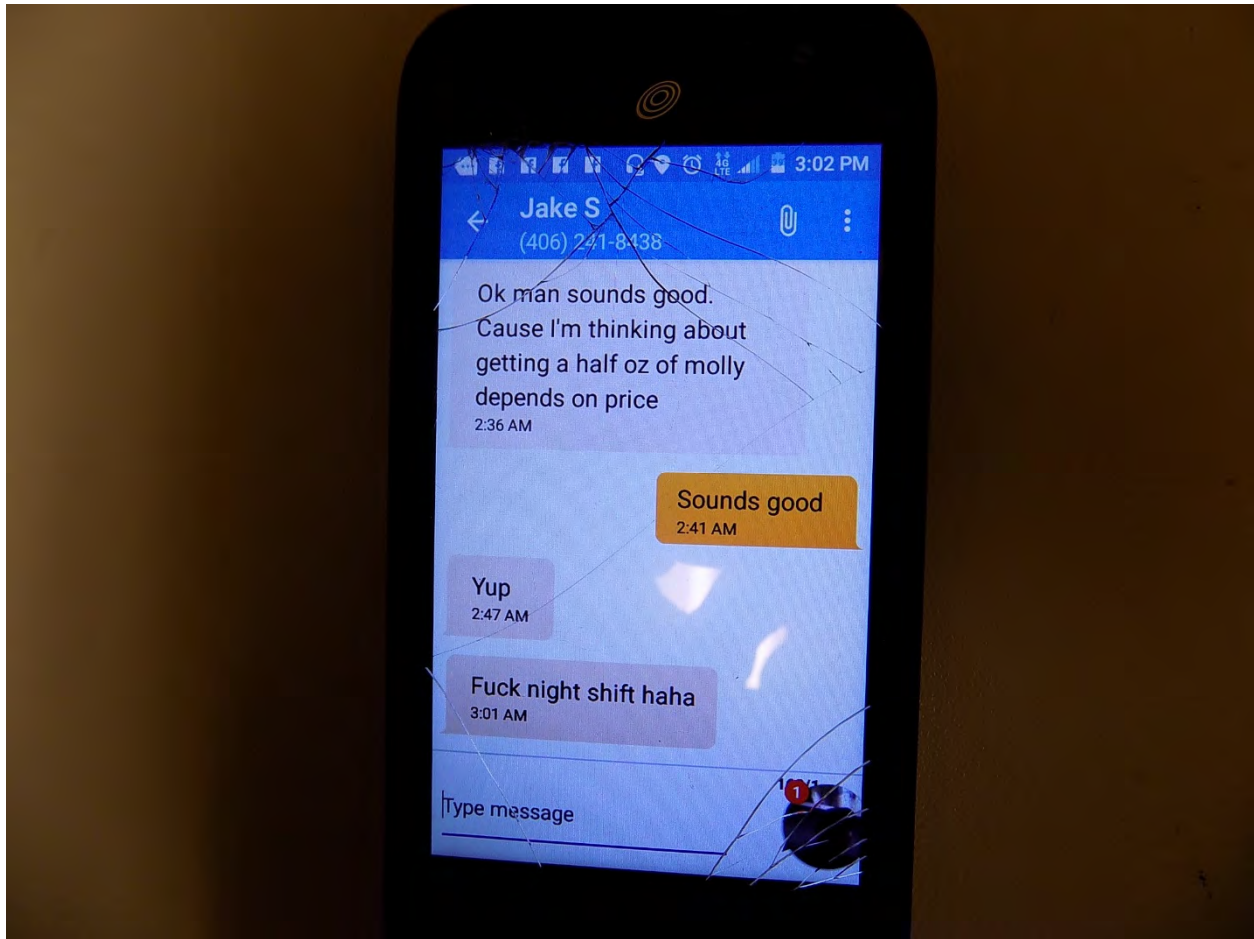
15V370000

Recall Date

06/15/2017

The Honda Motor Company has determined that the bolts that secure the front seats in the MDX can corrode and thus fail to function and keep the seat in the position desired by the driver. The malfunction seems to occur most often if the vehicle suffers a severe jolt such as might occur if hitting a large pot hole or in an automobile crash. This flaw will be repaired at no cost to you if you bring your vehicle to a certified Honda dealer. Simply call the dealer and give them your vehicle identification number (VIN) and make an appointment for the replacement of these bolts.

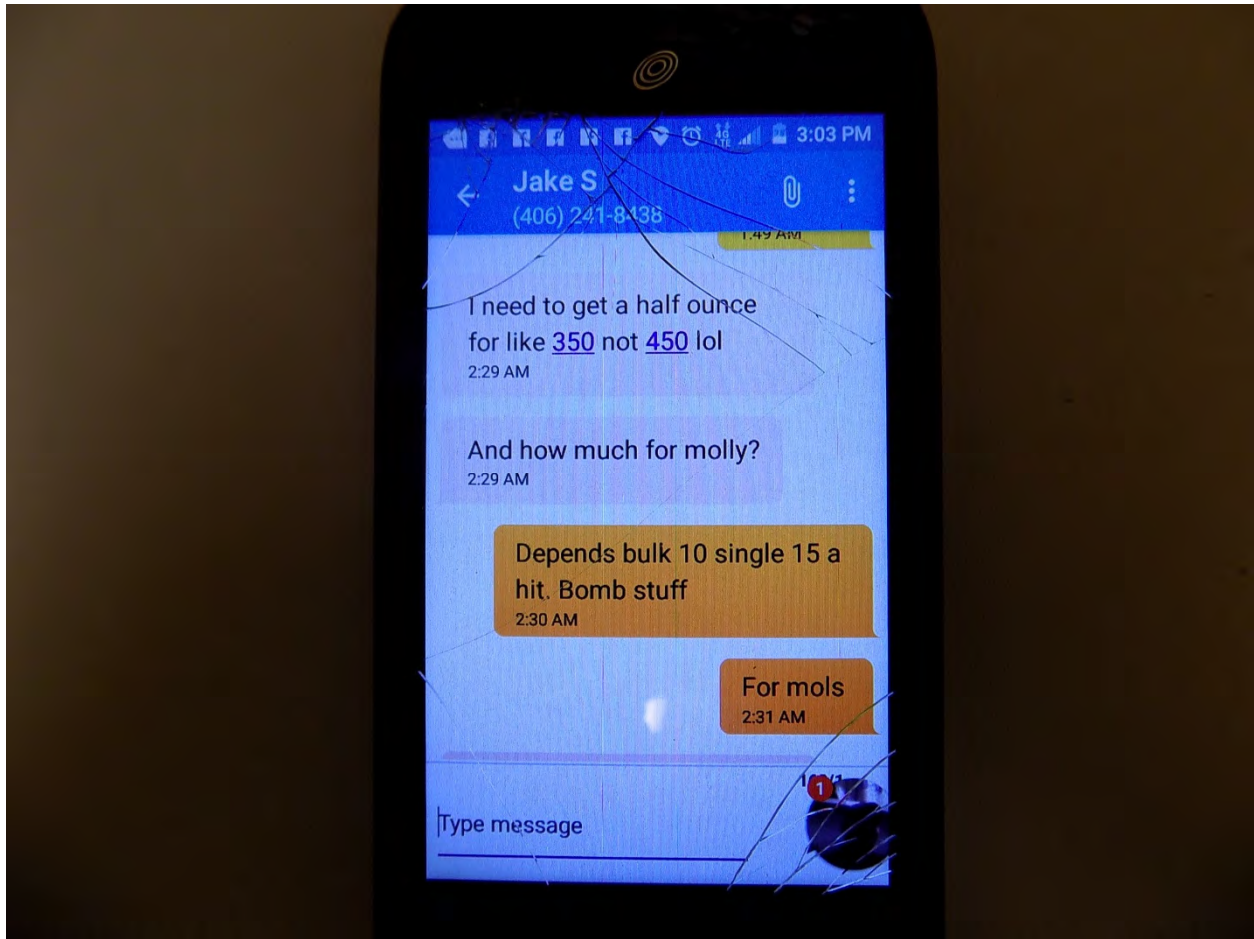




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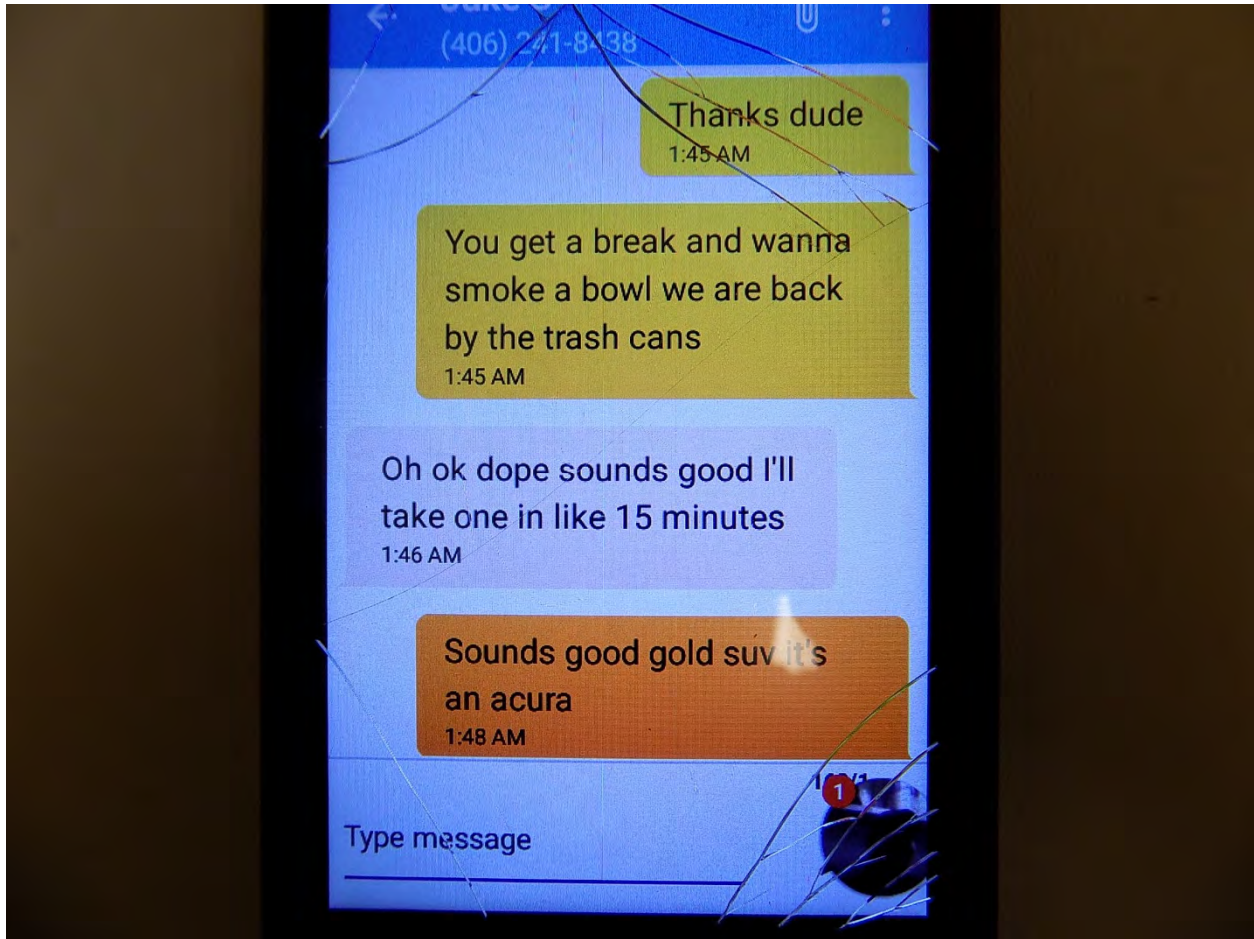
10A



EXHIBIT

10B

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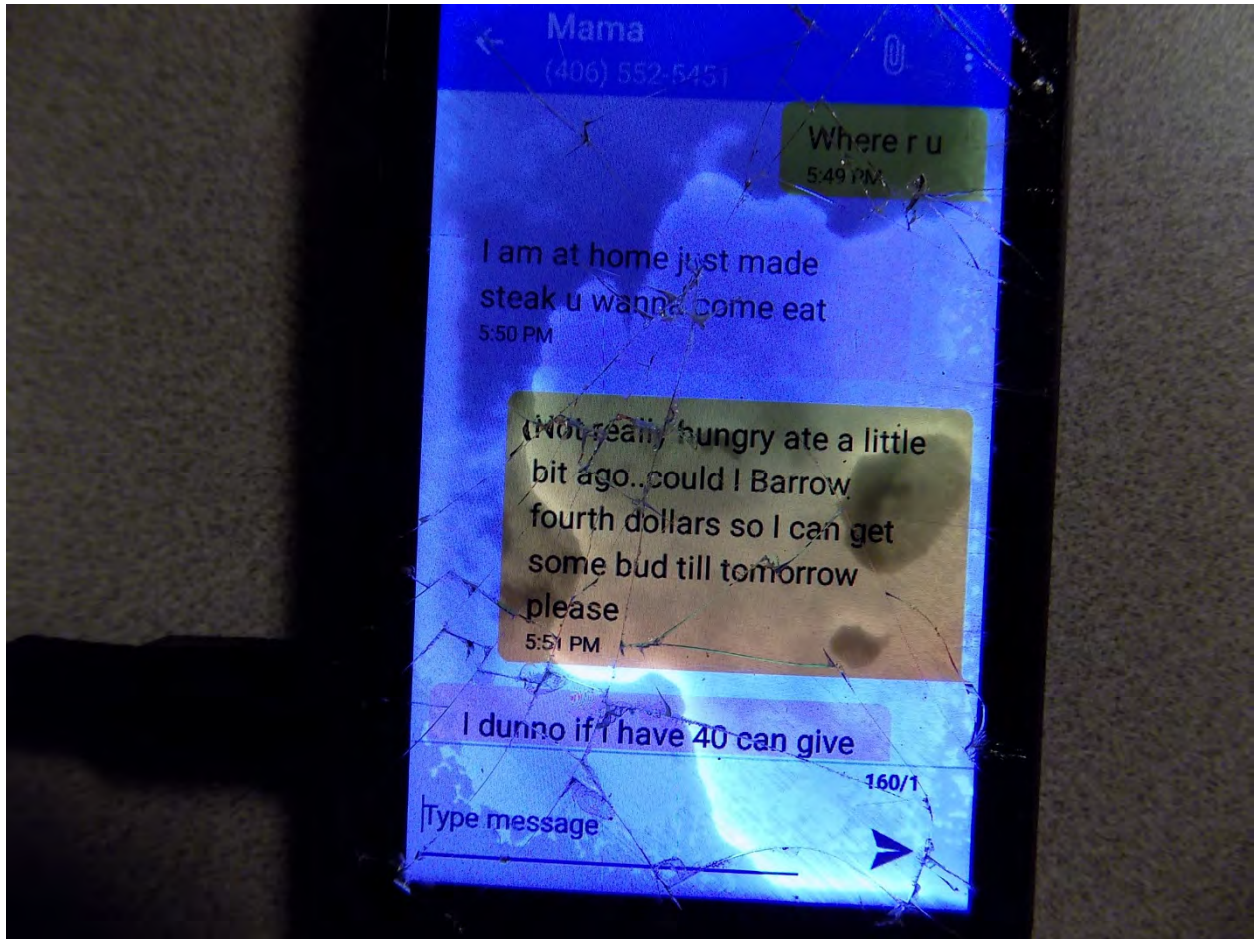


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10C

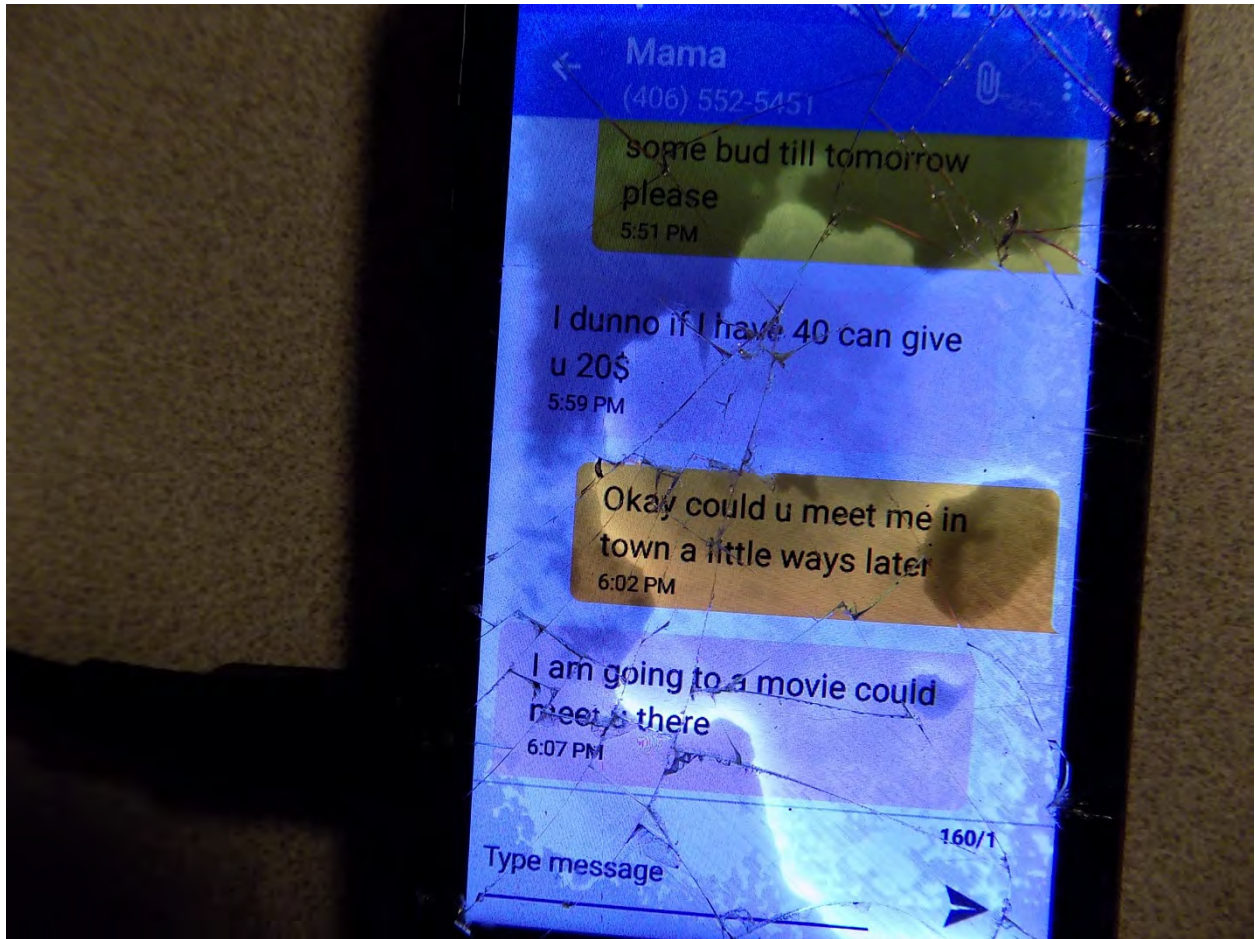
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EXHIBIT

10D



EXHIBIT

10E

# Case Report Summary

Print Date/Time: 05/2/2018 11:49  
Login ID: mc\jpjohnson

Armadillo County Sheriff's Office  
ORI Number: LS032000  
0

## Case

Case Number: 2018-00016465	Incident Type: Accident Fatality
Location:	Occurred From: 04/30/2018 04:15
Reporting Officer ID: -	Occurred Thru: 04/30/2018 04:15
	Disposition:
	Disposition Date:
	Reported Date: 04/30/2018 04:17 Thursday

## Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
-----	-----------	------------	---------	-------------	--------

## Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Driver	1	Trevino, Bree Candy Parker, Timothy	4700 CANYON CREEKBLVD Amarillo, LS	( )	White	Female	07/06/1995 21
Victim	2	Parker-Reinhard, Pippa	1250 34TH ST AMARILLO, LS		White	Male	03/25/1991 25
Victim							01/25/2013 3

## Arrests

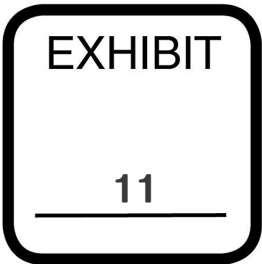
Arrest No.	Name	Address	Date/Time	Type	Age
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## Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
04/30/2018	Car Video/Photos	Recording- Audio/Visual			CD with photos of the scene and decedants	2018- 0001646 5	1

## Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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# Property Receipt

Print Date/Time: 05/1/2018 17:38  
Login ID: mcljppjohnson

Armadillo County Sheriff's Office  
ORI Number: MT0320000


Date Received	Case Number	Property Code(s)	Property Type	Description	Facility	Storage Location	Tag/Item Number
05/1/2018	2018-00016465	Car Video/Photos	Recording-Audio/Visual	CD with photos of the scene and decedants	SODOWN	PL1 TEMP	2018-00016465/1

\_\_\_\_\_/s/\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Officer

\_\_\_\_\_  
Date

MT0320080.2018-00016465  
T/I:2018-00016465/1  
Type:Recording-Audio/Visual  
Desc:CD with photos of the scene and dec  
SODOWN  
PL1 TEMP  




# Armadillo County Sheriff's Office

CASE SUPPLEMENT REPORT

CASE# 2018-00016465

<b>EVENT</b>	<small>REPORTED DATE/TIME</small> <b>4/30/2018 08:51</b>	<small>OCCURRED INCIDENT TYPE</small>	
	<small>OCCURRED FROM DATE/TIME</small>	<small>OCCURRED THRU DATE/TIME</small>	<small>LOCATION OF OCCURRENCE</small> <b>mm 116 I-10 West bound</b>

<b>OFFENSES</b>	<small>STATUTE/DESCRIPTION</small>	<small>COUNTS</small>	<small>ATTEMPT/COMMIT</small>

<b>SUBJECT</b>	<small>JACKET/SUBJECT TYPE</small>	<small>NAME (LAST, FIRST, MIDDLE SUFFIX)</small>					
	<small>DOB</small>	<small>AGE or AGE RANGE</small>	<small>ADDRESS (STREET, CITY, STATE, ZIP)</small>				
	<small>RACE</small>	<small>SEX</small>	<small>HEIGHT or RANGE</small>	<small>WEIGHT or RANGE</small>	<small>HAIR</small>	<small>EYE</small>	
	<small>DL NUMBER/STATE</small>	<small>PRIMARY PHONE</small>		<small>PHONE #2</small>		<small>PHONE #3</small>	

<b>SUBJECT</b>	<small>JACKET/SUBJECT TYPE</small>	<small>NAME (LAST, FIRST, MIDDLE SUFFIX)</small>					
	<small>DOB</small>	<small>AGE or AGE RANGE</small>	<small>ADDRESS (STREET, CITY, STATE, ZIP)</small>				
	<small>RACE</small>	<small>SEX</small>	<small>HEIGHT or RANGE</small>	<small>WEIGHT or RANGE</small>	<small>HAIR</small>	<small>EYE</small>	
	<small>DL NUMBER/STATE</small>	<small>PRIMARY PHONE</small>		<small>PHONE #2</small>		<small>PHONE #3</small>	

<b>SUBJECT</b>	<small>JACKET/SUBJECT TYPE</small>	<small>NAME (LAST, FIRST, MIDDLE SUFFIX)</small>					
	<small>DOB</small>	<small>AGE or AGE RANGE</small>	<small>ADDRESS (STREET, CITY, STATE, ZIP)</small>				
	<small>RACE</small>	<small>SEX</small>	<small>HEIGHT or RANGE</small>	<small>WEIGHT or RANGE</small>	<small>HAIR</small>	<small>EYE</small>	
	<small>DL NUMBER/STATE</small>	<small>PRIMARY PHONE</small>		<small>PHONE #2</small>		<small>PHONE #3</small>	

<small>REPORTING OFFICER</small> <b>443 White</b>	<small>DATE</small> <b>4/30/2018</b>	<small>REVIEWED BY</small> <b>Petersen, Jeremiah D</b>	<small> </small> <b>5/2/2018</b>
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Travis County Sheriff's Office

CASE SUPPLEMENT REPORT

CASE# 2018-00016465

NARRATIVE

On 04/30/2018, I, Deputy J. White responded to mile marker 116 west bound I-10 for a report of a rollover crash. Deputy T. Wafstet arrived on scene shortly before I did. Deputy Wafstet informed other units via radio that their was two code blacks one of them a small child and the other an adult male.

Upon arrival I saw Deputy Wafstet with a female who appeared to be injured but was standing and talking. I made contact with the female later identified as Bree Trevino. Bree kept saying she wanted to check on Tim and his daughter. I knew the other two occupants of the vehicle were both code black so I tried to keep Bree away from them. I asked Bree if she wanted to sit down until medical could check on her. Ashley asked if she could sit in my patrol vehicle until medical arrived. I escorted Bree to my patrol vehicle and she sat in the back seat for approximately two minutes before medical arrived. After reviewing my WatchGuard video approximately 18 minutes 12 seconds into the video you can hear medical personnel ask Bree where she was in the vehicle when the crash occurred. Bree responds "I was driving in the driver seat."

I burned a copy of my WatchGuard video to a disc and placed the disc in evidence locker PL3 at the Sheriff's Office. I also sent a copy of the video to the robot for evidence.

Nothing further to report. 443

REPORTING OFFICER  
443 White

DATE  
4/30/2018

REVIEWED BY  
Petersen, Jeremiah D

5/2/2018

# Armadillo County Sheriff's Office

County Coroner Report for Entry No: [REDACTED]

5193 CFS No: 2018-16465 Related CFS No:

## Decedent Information

Name: Parker-Reinhard, Pippa [REDACTED]

DOB: 01/25/2013 Age: 3 SSN: -- Sex: Race: White

Height: 0 Weight: 0 Hair: Eyes:

Address: 1111 McDonald Apt 404 Phone No:

Occupation:

Business Name/Address:

Place Of Birth: Amarillo, LS

Med Hist:

Psych Hist:

Was Decedent Injured? NO

Date/Time of Injury: Location:

Agency: Case No: 2018-16465

Primary Physician:

**Date/Time of Death: 04/30/2018 04:15 AM**

Date/Time Pronounced Dead: 09/08/2018 04:45 AM

Date/Time Last Seen Alive: 09/08/2018 02:27 AM Date/

Time Found: 09/08/2018 04:17 AM

Location of Death: I90 MM116

Summary:

Pippa and her father were ejected from a vehicle involved in a rollover crash and both sustained fatal injuries. The cause of death for both has been determined to be blunt force trauma of the head. The manner of death is pending the investigation by Montana Highway Patrol.

Date/Time of Notification: 04/30/2018 04:30

AM Notified By: Dispatch

Was Fatal Event Witnessed: NO

Body Conditions:

Temperature: N/A

Clothing On Body: YES Worn Properly: YES

Body Removed To: Garden City

Autopsy Requested: NO

Mortuary: Garden City- Melissa

Date/Time Contacted: 04/30/2018 00:00

Property:

Organ Donor: NO

**Physical Evidence:**

Photographs; Photos taken at Scene;

**Cause Of Death:**

Open skull fracture; Compound fractures to upper left arm and lower right leg.; **BLUNT FORCE INJURIES OF THE HEAD;**

**Manner Of Death: PENDING**



Trooper Dusty Stockard

Lab Case #: FSD-18-006122  
Agency Case #: 121782  
SUBJECT: TREVINO, BREE C.

**EVIDENCE:**

Item

## TOXICOLOGY REPORT

001            DUI KIT - TREVINO, BREE CANDY

**ALCOHOL RESULTS:**

ETHANOL - NONE DETECTED

ANALYSIS OF SUBMITTED BLOOD SAMPLE

**DRUG CONFIRMATIONS:**

THC-COOH	33 NG/ML	QUANTITATED IN THE BLOOD AT THIS CONCENTRATION (THC-COOH IS AN INACTIVE METABOLITE OF THC)
MDMA	0.45 MG/L	QUANTITATED IN THE BLOOD AT THIS CONCENTRATION

Date of Report: 10/31/2018

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

S. Phillips  
SUPERVISING TOXICOLOGIST

EXHIBIT

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**PLEASE NOTE:** All biological specimens or other items that were submitted to the Toxicology Section in this case will be retained at this Laboratory for a period of one year at which time they will be destroyed; unless or until we receive a letter from your office stating what other action you may require. All concentrations are expressed as the expanded uncertainty at a coverage probability of 95.45% using a coverage factor of  $k=2$ . Caffeine, Nicotine, Cotinine, and Lidocaine are not reported by the laboratory unless specified by the Toxicology Supervisor. The Toxicology Section will provide the measurement uncertainty for all other drugs upon request. For further inquiry, please contact the Toxicology Section at DOJTOX@mt.gov.

Lore Star Community Hospital  
500 W Broadway ST  
Armadillo LS FACESHEET

TREVINO, Bree C  
MRN: 60002332348  
DOB: 7/6/1995, Sex: F  
Adm :4/30/18 D/C: 5/7/18

**Patient Demographics**

Name	Patient ID	SSN	Sex	Birth Date
Trevino, Bree C	60002332348	xxx-xx-6041	Female	07/06/95 (21 yrs)
Address	Phone	EMail	Employer	
3355 PINCREST DR Armadillo, LS	406-552-2868 (H)			
Reg Status	PCP	Date Last Verified	Next Review Date	
Verified	Physician No	05/07/18	12/07/18	

**Hospital Account**

Name	Acct ID	Class	Status	Primary Coverage
Trevino, Bree C	460000660748	Inpatient	Billed	MEDICAID - MEDICAID Lore Star

**Guarantor Account (for Hospital Account #460000660748)**

Name	Relation to Pt	Service Area	Active?	Acct Type
Trevino, Bree C	Self	PHSWM	Yes	Third Party Liability
Address	Phone			
3355 PINCREST DR Armadillo, LS	406-552-2868(H)			

**Coverage Information (for Hospital Account #460000660748)**

P/O Payor/Plan	Precert #
MEDICAID	
Subscriber	Subscriber #
Trevino, Bree C	001362273
Address	Phone
PO BOX 8000 Austin, LS	800-624-3958
Policy Number	
001362273	

**Insurance Information**

<b>MEDICAID</b>	<b>Phone:</b> 800-624-3958
<b>Subscriber:</b> Trevino, Bree C	<b>Subscriber#:</b> 001362273
<b>Group#:</b>	<b>Precert#:</b>

**Guarantor Information**

<b>Name:</b> Trevino, Bree C
<b>Address:</b> 3355 PINCREST DR
<b>City:</b> Armadillo <b>State:</b> LS <b>Zip:</b> <b>Phone:</b> 406-552-2868
<b>Employer:</b>
<b>Address:</b>
<b>City:</b> <b>State:</b> <b>Zip:</b> <b>Phone:</b>
<b>Guar DOB:</b> 07/06/95

**Subscriber Details**

Hospital Account #460000660748

Printed on 6/11/2018 11:35

Page 1

EXHIBIT

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Ione Star Community Hospital  
 500 W Broadway ST  
 Armadillo IS FACESHEET

Trevino Free C  
 MRN: 60002332348  
 DOB: 7/6/1995, Sex: F  
 Adm: 4/30/18, D/C:5/18

**Subscriber Details (continued)**

Hospital Account #60000660748

CVG	Subscriber Name/Sex/Relation	Subscriber DOB	Subscriber Address/Phone	Subscriber Emp/Emp Phone
1. MEDICAID IS 001362273	TREVINO, FREE C Female (Self)	7/6/1995 -	3355 PINCEREST DR Armadillo IS 406-552-2868(H)	

**Admission Diagnoses / Reasons for Visit (ICD-10-CM)**

Code	Name	Comments
S22.052A	Unstable burst fracture of t5-T6 vertebra, initial encounter for closed fracture (HCC)	

**Admission Information**

Attending Provider	Admitting Provider	Admission Type	Admission Date/Time
Joe Alexander, Jr., MD	Joe Alexander, Jr., MD	Trauma Center	04/30/18 0509
Discharge Date	Hospital Service	Auth/Cert Status	Service Area
05/07/18	Adult Critical Care		
Incomplete	Room/Bed	Admission Status	
MSP NEURO ORTHO	425/425-1	Discharged (Confirmed)	

Resulted: 09/08/18 0544, Result status: Final result

**Ethanol [299456731] (Abnormal)**

Ordering provider	Resulting lab:
Joseph Crawford, MD 04/30/18 0508	IONE STAR COMMUNITY HOSPITAL

**Specimen Information**

Type	Source	Collected On
Blood		04/30/18

**Components**

	Value	Reference Range	Flag	Lab
ALCOHOL, SERUM/PLASMA	54	0-5 mg/dL	H	MSP

**Testing Performed By**

Lab - Abbreviation	Name	Director	Address	Valid Date Range
214 - HP	IONE STAR COMMUNITY HOSPITAL	Say Ferguson, MD [54050157]	500 W. Broadway Armadillo IS	4/30/18 - Present

Resulted: 09/21/18 1252, Result status: Final result

**Drugs of Abuse, Screen, Urine [300793977] (Abnormal)**

Ordering provider:	Resulting lab:
Lynn Murray, NP 05/01/18 1449	IONE STAR COMMUNITY HOSPITAL

**Specimen Information**

Type	Source	Collected On
Urine	Urine, clean catch	05/01/18

**Components**

	Value	Reference Range	Flag	Lab
Cannabinoids Screen, Urine	Presumptiv	Negative	A	MSP

WEV COLBY D  
 1321 Colby Ave  
 Audette, LS 8201-1665

TREUINO, BREE C  
 MRN: 60002332348  
 DOB: 7/6/1995, Sex: F  
 Adm: 04/30/18D/C : 05/07/18

Resulted: 05/21/18 11:25Z, Result status: Final

Drugs of Abuse, Screen, Urine [305793977] (Abnormal) (continued)

	e Positive		
BARBITURATE SCREEN URINE	Negative	Negative	MSP
ALCOHOL URINE	Negative	Negative	MSP
Amphetamine Screen, Urine	Negative	Negative	MSP
Cocaine Screen, Urine	Negative	Negative	MSP
Opiates Screen, Urine	Negative	Negative	MSP
Benzodiazepines Urine, Screen	Negative	Negative	MSP
Phencyclidine Screen, Urine	Negative	Negative	MSP
Methadone Screen, Urine	Negative	Negative	MSP
TCA	Negative	Negative	MSP
MDMA Screen, Urine	Negative	Negative	MSP
Oxycodone Screen, Urine	Negative	Negative	MSP

Testing Performed By

Lab - Abbreviation	Name	Director	Address	Valid Date Range
214 - LSCH	LONE STAR COMMUNITY HOSPITAL	Karra M Markley, MD [54050157]	500 W. Broadway ARMADILLO, LS	4/30/18- Present

**END OF REPORT**



Lone Star Department of Justice  
Forensic Science Division  
2679 Palmer Street, Armadillo, LS



DUSTY STOCKARD  
LSHP DISTRICT I - AMARILLO  
2681 PALMER ST, SUITE B  
ARMADILLO, LS

**Lab Case #: FSD-18-006946**  
Agency Case #: I0053848  
VICTIM: PARKER, TIMOTHY  
VICTIM: PARKER, PIPPA  
SUSPECT: TREVINO, BREE CANDY

## SEROLOGY/DNA REPORT

### EVIDENCE:

**Non-bold items were either not examined at this time or did not require serological analysis.**

#### Item

001.01 Root portions of two apparent hairs from (001)  
002.01 Root portions of two apparent hairs from (002)  
003.01 Root portions of two apparent hairs from (003) (Pippa Parker reference standard)  
**004 TWO (2) BUCCAL SWABS - BREE TREVINO REFERENCE STANDARD**

### RESULTS AND CONCLUSIONS:

#### Item

**004 TWO (2) BUCCAL SWABS - BREE TREVINO REFERENCE STANDARD**

The buccal swab sample (004.01) was retained as a reference standard for Bree Trevino.

#### DNA

DNA was extracted from the items forwarded for DNA analysis using organic and/or bead extraction techniques. Samples that were amplified were done so using the Qiagen Investigator 24 plex amplification kit which amplifies DNA from the following genetic markers: Amelogenin, TH01, D3S1358, vWA, D21S11, TPOX, DYS391, D1S1656, D12S391, SE33, D10S1248, D22S1045, D19S433, D8S1179, D2S1338, D2S441, D18S51, FGA, D16S539, CSF1PO, D13S317, D5S818 and D7S820. The amplified products were electrophoresed and analyzed on an ABI 3500 Genetic Analyzer.

### CONCLUSIONS

Based on a comparison of the DNA profiles from the items forwarded for DNA analysis, the following conclusions were drawn:

#### **001.01 Root portions of two apparent hairs from (001)**

The DNA profile obtained from this item matches that of Bree Trevino (004.01). Based on national statistics\*, the estimated probability of an unrelated individual from a random population having a DNA profile matching the DNA profile obtained for this item is:

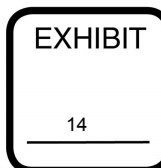
1 in 2.47 octillion Caucasians  
1 in 2.63 nonillion African-Americans  
1 in 65.2 octillion Hispanics

Pippa Parker (003.01) can be excluded as a possible contributor of this DNA profile.

#### **002.01 Root portions of two apparent hairs from (002)**

The partial DNA profile obtained from this item is consistent with the DNA profile of Pippa Parker (003.01). Due to no data, inconclusive data, or data below the laboratory's statistical reporting threshold at the D21S 11, SE33, D2S1338, and FGA loci, these loci will not be used for statistical calculations for this result. Based on national statistics\*, the estimated probability of an unrelated individual from a random population having a DNA profile matching the partial DNA profile obtained for this item is:

1 in 3.96 sextillion Caucasians



**Continuation of Report for Lab # FSD-18-006946**

1 in 1.96 septillion African-Americans  
1 in 13.6 sextillion Hispanics

\*Hill, C.R., Duewer, D.L., Kline, M.C., Coble, M.D., Butler, J.M. (2013) U.S. population data for 29 autosomal STR loci. *Forensic Sci. Int. Genet.* 7: e82-e83.

Bree Trevino (004.01) can be excluded as a possible contributor of this DNA profile.

**004.01 Bree Trevino reference standard**

The DNA profile obtained from this item (004.01) will be entered into and searched against the Lone Star DNA Identification Index. This profile is not eligible for entry into the National DNA Index System (NDIS) at this time.

**DISPOSITION OF EVIDENCE**

The following items were consumed in analysis with permission:

- 001.01 Root portions of two apparent hairs from (001)
- 002.01 Root portions of two apparent hairs from (002)
- 003.01 Root portions of two apparent hairs from (003) (Paityn Zuleger reference standard)

The following items will be retained in the laboratory:

- 004.01 Bree Trevino reference standard

Remaining extracts generated in the course of analysis.

Date: August 10, 2018

\_\_\_\_\_/s/\_\_\_\_\_  
RICKY SHELTON  
FORENSIC DNA ANALYST

LONE STAR DEPARTMENT OF JUSTICE  
Non-CMV IMPLIED CONSENT ADVISORY  
(Operation of non-commercial motor vehicles only)

A. You are under arrest for: (check appropriate offense)

- Driving (or being in actual physical control of) a motor vehicle while under the influence of alcohol (and/or drugs).
- Being under twenty-one (21) years of age and driving (or being in actual physical control of) a motor vehicle with an alcohol concentration of .02 or more.

- OR -

B. I have probable cause to believe that you were driving or in actual physical control of a vehicle, and : (check appropriate circumstance)

- Were under the influence of alcohol (and/or drugs) in violation of 61-8-401 and the vehicle you were driving was involved in a motor vehicle accident resulting in property damage.
- Were involved in a motor vehicle accident resulting in serious bodily injury or death.

Under Lone Star law, a person in your situation is deemed to have given his or her implied consent to testing for alcohol and possibly testing for drugs.

As the requesting officer, I have the right to select the type of test or tests you will be asked to take. I am going to ask you to take a breath (or blood) test. (Later I may ask you to take a blood test.)

- (1) You must decide to take or refuse this test without talking to an attorney. Your right to an attorney under Miranda does not apply.
- (2) IF DRIVER HOLDS A BASE DRIVER'S LICENSE (ONLY NON-COMMERCIAL MOTOR VEHICLE DRIVING PRIVILEGES):  
If you refuse this test, your driver's license will be seized and suspended for six (6) months.  
If you have refused similar testing within the past five years and you refuse again today, your driver's license will be seized and your privilege to drive will be suspended for one year.
- (3) IF DRIVER HOLDS A COMMERCIAL DRIVER'S LICENSE: In addition to any actions taken against your non-commercial driving privileges, as the holder of a commercial driver's license:  
If you refuse this test, your commercial driver's license will be seized and suspended for one (1) year.  
If you have refused similar testing in the past or have a prior major offense on your driving record and you refuse testing today, your commercial driver's license will be seized and suspended for life.
- (4) If you have a driver's license issued by another jurisdiction and you refuse to take this test, your non-resident driving privileges in Lone Star will be suspended for a minimum of six months to a maximum of life, depending on the class of license that you are holding (non-commercial or commercial driver's license) and your current driving record, plus your license will be seized and returned to the licensing agency of your home jurisdiction along with a report of your testing refusal.
- (5) You will not be eligible for a probationary driver's license during the suspension.
- (6) If you refuse testing, you may contest the action taken against your license by filing a petition in a Lone Star District Court. The action will not be overturned unless you prove that your arrest or the investigatory stop was unlawful or that you did not refuse testing. You may ask the court to restore your driving privileges until the court rules on your petition.
- (7) Your test results or testing refusal may be used as evidence against you in a criminal trial. Additionally, if you refuse testing today, the jury (or judge in a non-jury trial) may infer from your refusal that you were under the influence of alcohol and/or drugs. The inference is rebuttable.
- (8) After the requested testing is completed or refused, you may have a doctor or nurse administer an independent test for alcohol or drugs at your expense. If you refuse testing now, taking an independent test will not change the action taken on your driver's license.

A breath test requires you to blow a proper sample of air into this instrument. It will analyze your breath sample for alcohol concentration. Will you take a ~~breath~~ test?

Blood Yes  No

This advisory was read on 4/30/18 to: 0643 Hours

Name Bree Candy Trevino

Date of Birth 7-6-1995

  
Advising Officer's Signature

Driver's License Number 0702519954106 MT.

Commercial Driver's License:  Yes  No  
Commercial Motor Vehicle:  Yes  No  
Witness Signature - Optional

EXHIBIT  
15

TO BE RETAINED BY OFFICER FOR FUTURE REFERENCE

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IN THE FOURTH JUDICIAL DISTRICT COURT  
FOR THE COUNTY OF ARMADILLO  
STATE OF LONESTAR

CRIM. NO. 18-DC-70

STATE OF LONESTAR,  
  
v.  
  
BREE CANDY TREVINO.

**FINAL JURY INSTRUCTIONS**

Members of the Jury. I thank you for your attention during this trial. Please pay attention to the instructions I am about to give you.

In this case, Bree Candy Trevino is charged with Two Counts of Negligent Homicide While Under the Influence. You must reach a separate verdict on each count.

To prove the crimes of Negligent Homicide While Under the Influence, the Government must prove beyond a reasonable doubt that Bree Candy Trevino negligently caused the death of TP and PP while she was under the influence of alcohol or drugs.

There are certain elements of the crime that the Government must prove beyond a reasonable doubt. Those elements are: 1) that the Defendant caused the death of TP and PP; 2) that at the time the Defendant caused the death of TP and PP, the Defendant was operating a motor vehicle while under the influence of alcohol or drugs; and 3) that the Defendant acted negligently.

Under the laws of Lone Star, a person acts negligently with respect to a result or to a circumstance described by a statute defining an offense when the person consciously disregards a risk that the result will occur or that the circumstances exist or when the person disregards a risk of which the person should be aware that the result will occur or that the circumstances exists. The risk must be that of a nature and degree that to disregard it involves a gross deviation from the standard

1 of conduct that a reasonable person would observe in the actor's situation. "Gross  
2 deviation" requires a deviation that is considerably greater than lack of ordinary  
3 care.

4 "Under the Influence" means that as a result of taking into the body alcohol,  
5 drugs, or any combination of alcohol and drugs a person's ability to safely operate a  
6 motor vehicle has been diminished.

7 In deciding whether or not the Defendant was under the influence of alcohol,  
8 there are certain inferences that you may follow:

9 The concentration of alcohol in the Defendant, as shown by analysis of a  
10 sample of his/her blood or breath drawn or taken within a reasonable time after the  
11 alleged act of driving under the influence of alcohol gives rise to the following  
12 inferences:

- 13 (a) If there was at that time an alcohol concentration of 0.04 or less, it may  
14 be inferred that the Defendant was not under the influence of alcohol.
- 15 (b) If there was at that time an alcohol concentration in excess of 0.04 but  
16 less than 0.08 that fact may not give rise to any inference that the  
17 Defendant was or was not under the influence of alcohol, but the fact  
18 may be considered with other competent evidence in determining the  
19 guilt or innocence of the Defendant.
- 20 (c) If there was at that time an alcohol concentration of 0.08 or more, you  
21 are permitted, but not required to infer that the Defendant was under  
22 the influence of alcohol. It is your exclusive province to determine  
23 whether the facts and circumstances shown by the evidence warrant the  
24 inference to be drawn by you.

25 You must weigh the evidence presented and decide whether the State has  
26 proven beyond a reasonable doubt that the Defendant was under the influence of  
27 alcohol.

28 It is up to you to decide what evidence is reliable. You should use your  
29 common sense in deciding which is the best evidence and which evidence should  
30 not be relied upon in considering your verdict. You may find some of the evidence  
31 not reliable or less reliable than other evidence. In doing so, you should consider  
32 how the witness acted as well as what he or she said. Some things you should  
33 consider are:

1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?
2. Did the witness seem to have an accurate memory?
3. Was the witness honest and straightforward in answering the attorneys' questions?
4. Did the witness have an interest in how the case should be decided?
5. Does the witness's testimony agree with the other testimony and the other evidence in this case?
6. Did the witness at some other time make a statement that is inconsistent with the testimony he or she gave the court?
7. Was it proved that the witness had been convicted of a crime?
8. Was it proved that the general reputation of the witness for telling the truth and being honest was bad?
9. Some witnesses who testify claim to have special knowledge, skill, training, experience or education that enable them to offer opinions or inferences concerning issues in dispute. The fact that a witness has knowledge, skill, training, experience or education does not require you to believe the witness, to give such a witness's testimony any more weight than that of any other witness, or to give it any weight at all. It is important for you to keep in mind that the witness is not the trier of fact. You are the trier of fact. It is for you to decide whether the testimony of a witness, including any opinions or inferences of the witness, assists you in finding the facts and deciding the issues that are in dispute. And, it is for you to decide what weight to give the testimony of a witness, including any opinions or inferences of the witness.

You may rely upon your own conclusions about the witnesses. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.

1  
2 The defendant in this case has become a witness. A juror may believe or  
3 disbelieve all or any part of the evidence or the testimony of any witness.

4 There are some general rules that apply to your deliberations. You must  
5 follow these rules in order to return a lawful verdict:

- 6 1. You must follow the law as it is set out in these instructions. If you  
7 fail to follow the law, your verdict will be a miscarriage of justice. There  
8 is no reason for failing to follow the law in this case. All of us are  
9 depending on you to make a wise and legal decision in this matter.
- 10 2. This case must be decided only upon the evidence that you have heard  
11 from, the answers of the witnesses and the exhibits and these instructions.
- 12 3. The case must not be decided for or against anyone because you feel  
13 sorry for anyone or are angry at anyone.
- 14 4. Remember the lawyers are not on trial. Your feeling about them  
15 should not influence your decision in this case.
- 16 5. Your duty is to determine whether the Defendant is guilty of the crimes  
17 charged beyond a reasonable doubt. It is the judge's job to determine the  
18 proper sentence if the defendant is found guilty.
- 19 6. The Defendant is presumed to be innocent of the charges filed against  
20 him. This presumption remains with him throughout every stage of the  
21 trial and during your deliberations on the verdict. It is not overcome  
22 unless from all the evidence in the case, you are convinced beyond a  
23 reasonable doubt that the Defendant is guilty. The Defendant is not  
24 required to prove her innocence or present any evidence.
- 25 7. Whatever verdict you render must be unanimous, that is each juror  
26 must agree to the same verdict.
8. It is entirely proper for a lawyer to talk to a witness about what  
testimony the witness would give if called to the courtroom. The witness  
should not be discredited for talking to a lawyer about his or her

1 testimony.

- 2 9. Your verdict should not be influenced by feelings or prejudice, bias, or  
3 sympathy. Your verdict must be based on the evidence and on the law  
4 contained in these instructions.

5 Deciding a proper verdict is exclusively your job. I cannot participate in that  
6 decision in any way. Please disregard anything I may have said or done that made  
7 you think I preferred one verdict over another.

8 Only one verdict on each charge may be returned as to the crimes charged.  
9 The verdict must be unanimous, that is, all of you must agree to the same verdict.  
10 The verdict must be in writing and, for your convenience, the necessary forms of  
11 verdict have been prepared for you. They are as follows:

12 **[READ VERDICT FORMS]**

13 In just a few moments you will be taken to the jury room by the bailiff. The  
14 first thing you should do is elect a foreperson who will preside over your  
15 deliberations like a chairperson of a meeting. It is the foreperson's job to sign and  
16 ate the verdict back to the courtroom when you return. Either a man or woman may  
17 be the foreperson of the jury. When you have reached your verdicts, notify the  
18 bailiff and you will be returned to the Courtroom to announce your verdicts.  
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IN THE FOURTH JUDICIAL DISTRICT COURT  
FOR THE COUNTY OF ARMADILLO  
STATE OF LONESTAR

CRIM. NO. 18-DC-70

STATE OF LONESTAR,  
  
v.  
  
BREE CANDY TREVINO.

**VERDICT**

We the jury duly empaneled and sworn to try the-above entitled case enter the following unanimous verdict.

**COUNT ONE**

To the charge of Negligent Vehicular Homicide While under the Influence involving the death of TP:

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(Write on the above line "guilty" or "not guilty")

**COUNT TWO**

To the charge of Negligent Vehicular Homicide While under the Influence involving the death of PP:

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(Write on the above line "guilty" or "not guilty")

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FOREPERSON