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IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
120TH JUDICIAL DISTRICT

THE STATE OF TEXAS)
)
)
vs.) Cause No. 43312-120
)
)
)
HENRY LEE LUCAS)

PROPERTY OF ROD PONTON
ATTORNEY AT LAW
COPY 2

STATEMENT OF FACTS
heard on
SEPTEMBER 8, 1986

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8
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11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHRONOLOGICAL INDEX

<u>WITNESSES:</u>	PAGE
<u>WES STATTON</u>	
Examination by Mr. Moody	9
Cross-Examination by Mr. Ponton	13
<u>LUMEA MARY BRADY</u>	
Direct Examination by Mr. Moody	52
Cross-Examination by Ms. Sipes	65
Redirect Examination by Mr. Moody	74
<u>CURTIS JOHN FLYNN</u>	
Direct Examination by Mr. Moody	75
Cross-Examination by Mr. Ponton	104
Redirect Examination by Mr. Moody	140
Recross-Examination by Mr. Ponton	143
Redirect Examination by Mr. Moody	150
<u>BENITO PEREZ, JR.</u>	
Direct Examination by Mr. Moody	153

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ALPHABETICAL INDEX

<u>WITNESSES:</u>	<u>PAGE</u>
<u>LUMEA MARY BRADY</u>	
Direct Examination by Mr. Moody	52
Cross-Examination by Ms. Sipes	65
Redirect Examination by Mr. Moody	74
<u>CURTIS FLYNN</u>	
Direct Examination by Mr. Moody	75
Cross-Examination by Mr. Ponton	104
Redirect Examination by Mr. Moody	140
Recross-Examination by Mr. Ponton	143
Redirect Examination by Mr. Moody	150
<u>BENITO PEREZ, JR.</u>	
Direct Examination by Mr. Moody	153
<u>WES STATTON</u>	
Direct Examination by Mr. Moody	9
Cross-Examination by Mr. Ponton	13

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

EXHIBIT DESCRIPTION MARKED IDENTIFIED OFFERED REC'D

S-1	Transcript	54	54	64	64
S-2	Videotape	79	79		
S-3	Audiotape	141	141		
S-4	Audiotape	167	168		
S-5	Diagrams	177	177		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
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IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
120TH JUDICIAL DISTRICT

THE STATE OF TEXAS)
)
vs.) Cause No. 43314-120
)
HENRY LEE LUCAS)

BE IT REMEMBERED that on the 8th day of
September, 1986, beginning at 9:17 a.m., came on to
be heard the pretrial motions in the above styled and
numbered cause, before the HONORABLE BRUNSON MOORE,
Judge Presiding in and for the 120th Judicial
District Court, and that the same was taken by Meryl
Wersinger, Certified Shorthand Reporter and Notary
Public in and for County Court at Law Number Four, El
Paso County, Texas, and that the following
proceedings were had as follows, to-wit:

1 THE COURT: Ladies and gentlemen, we are
2 going to call the case of the State of Texas versus
3 Henry Lee Lucas, cause number 43314. Mr. Lucas has
4 been charged with the felony offense of capital
5 murder, four counts.

6 Now, then, the State is represented by Mr.
7 Bill Moody, Mr. Richard Jewkes and Ms. Pennock. The
8 defendants are represented by Ms. Sipes and Mr.
9 Ponton.

10 Now, are the parties ready to proceed?

11 MR. MOODY: State of Texas is ready to
12 proceed, Your Honor.

13 MS. SIPES: The defense is ready to proceed,
14 Your Honor.

15 THE COURT: All right. At this time we are
16 going to take up the motion filed by the defense in
17 this case to suppress the evidence and this is the
18 motion on the suppression on the confession. Is that
19 correct?

20 MS. SIPES: Yes, Your Honor.

21 THE COURT: All right.

22 Is the State ready to proceed with that?

23 MR. MOODY: Yes, we are, Your Honor.

24 THE COURT: All right. Do you have any
25 witnesses in the courtroom, Mr. Moody, at this time

1 that you would like to have sworn so that we may
2 invoke the Rule if necessary?

3 MR. MOODY: Yes, we have Mr. Wes Statton and
4 Detective Benito Perez present here today.

5 THE COURT: Would you gentlemen please raise
6 your right hands?

7 MR. MOODY: And also Detective Curtis Flynn.

8 THE COURT: Anybody that is going to testify,
9 please raise your right hands.

10 Thank you.

11 Do you wish to invoke the Rule, Ms. Sipes?

12 MS. SIPES: Yes, we do, Your Honor.

13 THE COURT: Gentlemen, the Rule has been
14 invoked. This means that those of you who are not
15 testifying must wait outside of the hearing of what
16 is taking place in the courtroom. You are not to
17 discuss this case among yourselves nor are you to
18 discuss it with any other persons other than the
19 attorneys involved. If anybody comes to you and
20 wants to talk to you about this case while this
21 hearing is in progress, you are to report that person
22 to me immediately.

23 Who will be your first witness, Mr. Moody?

24 MR. MOODY: We will call Mr. Wes Statton.

25 Did the defense have some issue --

1 THE COURT: Mr. Statton, if you don't mind,
2 would you please take the stand?

3 MR. MOODY: May we proceed, Your Honor?

4 THE COURT: Yes, sir.

5 MR. MOODY: Did you want us to speak from
6 the podium or the chair?

7 THE COURT: Sir?

8 MR. MOODY: Did you want us to speak from the
9 podium or the chair?

10 THE COURT: However you would like to.
11 Let's do this, ladies and gentlemen: Let's just make
12 it as easy as you want to. You can either use the
13 podium or not use it or however. We will be kind of
14 informal as far as that's concerned because I don't
15 want to have a lot of formalities concerning this
16 part of the trial.

17 Go ahead, sir.

18 WES STATTON,

19 having been previously duly sworn by the Court to
20 tell the truth, the whole truth, and nothing but the
21 truth, was examined and testified as follows:

22

23 DIRECT EXAMINATION

24 BY MR. MOODY:

25 Q. Would you state your name, sir?