

1 IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
2 120TH JUDICIAL DISTRICT
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10 THE STATE OF TEXAS)

11 vs.)

12 HENRY LEE LUCAS)

) CAUSE NO. 43314-120
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21 STATEMENT OF FACTS

22 heard on

23 SEPTEMBER 17, 1986

24 PROPERTY OF ROD PONTON
25 ATTORNEY AT LAW
COPY 2

A P P E A R A N C E S

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EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>REC'D</u>
S-14	Photo	1247	1247	1248	1249
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1 THE COURT: All right. Now, Mr. Moody has
2 informed me, Mr. Ponton, that you did not give Mr.
3 Jewkes a copy of the psychiatric report that you told
4 this Court you would last evening.

5 MR. PONTON: No, Your Honor, I was mistaken.
6 I had thought that I had gotten copies of that
7 previously, and I did not have copies to have copies
8 made for him. I searched for them and realized I
9 hadn't gotten copies, so I apologize for my mistake.

10 MR. MOODY: That was my problem. You just
11 hadn't had a chance to see them, and obviously they
12 thought they had copies and they didn't.

13 THE COURT: And you do not have any copies
14 of this?

15 MR. PONTON: No, I do not, Your Honor.

16 THE COURT: Bob, call downstairs and get one
17 of Piti's men. I want two copies of that front and
18 back. I think what you ought to do is you send
19 Louisa down there with them. She is a good watcher.
20 She would sit there and watch them and see that no
21 one sticks anything in their pockets. In the
22 meantime, you answer my phone or something. Let's
23 get this going.

24 All right. Now, Ms. Sipes, let me suggest
25 this to you. Since they did not receive a copy of

1175

1 this, I'm not going to allow any questions concerning
2 this at this time and I'll reserve any judgment
3 concerning the admissibility of this until the state
4 has had an opportunity to look over these reports.

5 MS. SIPES: Yes, Your Honor.

6 MR. MOODY: Just one thing, Your Honor. I
7 think we made substantial progress on the
8 availability of documents and records yesterday. Mr.
9 Ponton and I worked out an agreement that whatever we
10 had left in our filing cabinets, extraneous offenses
11 or thereof, we would give copies of all that material.
12 They would give us in exchange copies of whatever
13 documents that they have that they obtained under
14 subpoena and that type of stuff, so I think that both
15 sides will probably have an equal file, you know,
16 pretty close to an equal file.

17 THE COURT: You know, that sounds reasonable
18 to me. That will sure save us lots of time.

19 MR. MOODY: Well, I hope so.

20 THE COURT: All right. Ms. Sipes, let's go
21 on with the examination of this witness, but let's
22 leave out anything that might concern this matter
23 that we took up late yesterday evening. Okay?

24 MS. SIPES: Yes, Your Honor.
25