

1 will be given the opportunity to present  
2 rebuttal evidence, if they choose. So we will  
3 be following the same type of schedule that we  
4 followed in the first portion of the trial.

5 At this point in time, I will ask  
6 both sides, are you ready to begin punishment?

7 MR. WALSH: The State is ready, Your  
8 Honor.

9 MR. HIGGINBOTHAM: The Defense is  
10 ready, Your Honor.

11 THE COURT: All right. Mr. Walsh, are  
12 you ready to make an opening statement?

13 MR. WALSH: Yes, Your Honor.

14 THE COURT: All right. You may  
15 proceed.

16  
17 OPENING STATEMENT ON BEHALF OF THE STATE

18  
19 MR. WALSH: May it please the Court  
20 and counsel.

21 Ladies and gentlemen, we want to  
22 first thank you for your verdict yesterday. I'm  
23 going to be brief.

24 This part of the trial is the part of  
25 the trial where the jury is going to have to

1 answer these questions that we talked about on  
2 voir dire. The two questions I anticipate you  
3 will be given to answer is whether the killing  
4 of the deceased in this case was unreasonable --  
5 strike that -- whether the killing of the  
6 deceased was committed deliberately. The other  
7 question will be whether or not there is a  
8 probability that this Defendant would commit  
9 criminal acts of violence that would constitute  
10 a continuing threat to society.

11 You will be instructed in the charge  
12 that you can consider all the evidence you have  
13 already heard, in addition to any evidence that  
14 may be presented here on these issues. What we  
15 are going to try to do today -- and we hope it  
16 will not take very long -- is to introduce  
17 additional evidence to you on that issue of  
18 whether or not the Defendant will constitute a  
19 continuing threat to society.

20 The first witness that we will call  
21 will be a detective from the Abilene Police  
22 Department. He will testify about a murder that  
23 occurred in a savings and loan in Abilene. We  
24 will introduce for you a confession by the  
25 Defendant in this case, Henry Lee Lucas, that he

1 is the person who killed this lady during the  
2 course of a robbery of that savings and loan.

3 We will present another police  
4 officer, Detective Gary Cutler, who is with the  
5 Travis County Sheriff's Department, which is  
6 located in Austin, Texas. He will testify about  
7 his investigation of the murder of a lady named  
8 Sandra Dubbs, a blonde-headed woman who was  
9 found in a field south of Austin. He will also  
10 tell you, and we will introduce into evidence a  
11 confession made by the Defendant in this case,  
12 Henry Lee Lucas. In that confession, Lucas  
13 admits that he and Ottis Toole are the people  
14 who killed Sandra Dubbs.

15 We will then rest our case on  
16 punishment. The Defendant will be entitled to  
17 present whatever evidence he may choose to do so.  
18 But at the end of this hearing, we will ask you  
19 to return "Yes" answers to both of those special  
20 issues that will be given to you.

21 Your Honor, the State calls Roger  
22 Berry.

23 THE COURT: Mr. Berry, I will remind  
24 you that you are still under oath.  
25