



1 since 1978 or 1979, and she has never been found.

2 Q. She was, what, reported missing January 21st,  
3 1980?

4 A. That sounds about right.

5 Q. And it looked like she had last been seen  
6 January 20th, 1980?

7 A. Yes.

8 Q. Was her family concerned about her  
9 whereabouts?

10 A. Yes, sir, and they still are, to my  
11 knowledge.

12 Q. And in that regard, did her sister ever  
13 contact you regarding Henry Lucas?

14 A. Yes, she did.

15 Q. What was that all about?

16 A. Well, she was convinced that Henry Lucas was  
17 responsible for her disappearance.

18 Q. This was Elizabeth Allen's sister?

19 A. Yes.

20 Q. When -- And did she tell you why she was  
21 convinced he was the responsible person?

22 A. Well, there were several reasons. As it  
23 turned out, there were more. Her car that  
24 disappeared was in California. She had sent a  
25 private investigator to talk to Henry Lucas before I

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1 talked to him.

2 Q. Her automobile was discovered?

3 A. Yes, it was.

4 Q. In California. Whereabouts in California  
5 was that vehicle discovered?

6 A. I don't remember the city. It was abandoned  
7 on the freeway.

8 Q. All right. And approximately how far was it  
9 from the home of Jack and O'Bera Smart?

10 A. I was told about 15 miles. I have never  
11 been out there, never measured it myself.

12 Q. All right. Did you know Jack and O'Bera  
13 Smart to be the acquaintances of Henry Lucas?

14 A. Yes.

15 Q. As a matter of fact, they were the ones that  
16 had sent Henry Lucas to Ringgold, Texas, to take care  
17 of a lady named Kate Rich?

18 A. That's correct.

19 Q. Now, do you remember if any items were found  
20 inside the car?

21 A. The most important item was a thermos.  
22 There was also some food, some bread and mustard, et  
23 cetera, and also some napkins, I believe.

24 Q. A thermos like you would put coffee in?

25 A. Yes.

1 Q. And you said that she had hired or the  
2 family had hired a private investigator by the name  
3 of Mike Lee?

4 A. Yes.

5 Q. And who is he?

6 A. He is -- was a private investigator at the  
7 time that I talked to him.

8 Q. Okay. And had he done anything in regards  
9 to the Elizabeth Allen case?

10 A. He went and interviewed Henry Lucas.

11 Q. Where did he interview Henry Lucas, as far  
12 as you knew?

13 A. In Georgetown, Texas.

14 Q. Then, was it your understanding that he had  
15 shown a picture of Mrs. Elizabeth Allen -- of  
16 Elizabeth Allen to Henry Lucas?

17 A. Yes, he did.

18 Q. And based on that and the request by -- Was  
19 a request made by you -- to you by the sister of  
20 Elizabeth Allen to try to at least interview Henry  
21 Lucas about this case?

22 A. Well, she wanted me to find out if Henry  
23 Lucas was responsible.

24 Q. So did you make preparations to go to  
25 Georgetown, Texas, and for you yourself to interview

1 Henry Lucas?

2 A. Yes, I did.

3 Q. At that time did you know very much about  
4 Henry Lucas?

5 A. Well, during that time period I went to a  
6 seminar on Henry Lucas that was put on by the rangers  
7 or it was not actually hosted by them but the rangers  
8 were there and gave some of the information that they  
9 had -- that they had received from him.

10 Q. So before going to Georgetown, Texas, to  
11 interview Henry Lucas, what preparation, if any, did  
12 you take before going down there to interview Henry  
13 Lucas?

14 A. Well, the first thing I did was -- in the  
15 office I was sharing with Detective Flynn we had a  
16 large bookcase with a bunch of files of unsolved  
17 homicides that went back to the early '70's, and I  
18 went through most of those files to see what  
19 information was in there, what kind of evidence there  
20 was, what kind of homicides there were, how they were  
21 committed, whether there was any evidence linking  
22 somebody that maybe they just couldn't prove or  
23 whatever.

24 Q. So you went over basically your unsolved  
25 murders?

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1 A. Yes.

2 Q. Here in El Paso?

3 A. Yes, that's correct.

4 Q. And, now, is the robbery office in a  
5 separate set of offices from the homicide office?

6 A. Yes, it is.

7 Q. Was the Librada Apodaca case among those  
8 cases that you looked through?

9 A. No, it was not.

10 Q. Why not?

11 A. Because the homicide was being investigated  
12 by the robbery detectives and they had the file in  
13 their office.

14 Q. Did you ever look at or go through the  
15 Librada Apodaca case?

16 A. No, I did not.

17 Q. Prior to going down to Georgetown?

18 A. No.

19 Q. At any time?

20 A. No.

21 Q. Even to this day have you ever gone through  
22 the Librada Apodaca case?

23 A. No.

24 Q. Did you have any idea where she lived, where  
25 this murder occurred, how to get there?

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1           A.     The only thing I knew was that she was  
2 related to Sergeant Apodaca and that she lived in the  
3 lower valley. Other than that, I had no other  
4 information.

5           Q.     If you had to today could you take us to  
6 that house?

7           A.     No.

8           Q.     Did you call the ranger -- rangers and set  
9 up an appointment or get an appointment to talk to  
10 Henry Lucas in Georgetown?

11          A.     Yes, I did.

12          Q.     When was that appointment set for?

13          A.     December the 20th, 1983.

14          Q.     Did anyone go with you?

15          A.     Detective Martin Beltran of the -- he is  
16 assigned to the crime sex unit, which is also  
17 assigned to the robbery unit.

18          Q.     All right. Did he -- Was there any case  
19 that he was going down there to discuss?

20          A.     No, he was just going with me to help me  
21 with the investigation.

22          Q.     Now, when you got down to Georgetown, did  
23 you interview Henry Lucas?

24          A.     Yes.

25          Q.     Where did you -- Where did this interview

1 occur?

2 A. There was a room that was set up for  
3 interview in the Williamson County jail facility in  
4 the courthouse.

5 Q. Did you videotape and audiotape that  
6 interview of -- that particular interview?

7 A. Yes, I did.

8 Q. Did you know how to operate both the audio  
9 and videotape equipment?

10 A. Well, Henry showed me how to insert the  
11 machine. It was a little different than the one we  
12 used here, but we did not have any problems with it.

13 Q. Was it operating properly?

14 A. Yes, it was.

15 Q. Were the devices capable of taking down  
16 either video pictures and audio or just in regards to  
17 tape recorder, the audio portion?

18 A. Yes, they were capable.

19 Q. After you finished taking those or taking  
20 that interview, did you ever have occasion to really  
21 look at the audiotape -- or the videotape and replay  
22 the videotapes, the audiotapes?

23 A. Yes, I have.

24 Q. Were they true and correct copies of what  
25 had occurred?

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1 A. Yes.

2 Q. Were they ever altered or -- in any way,  
3 things added on to them or deleted from them?

4 A. No.

5 (State's exhibits marked, S-16, S-17, S-18,  
6 and S-19.)

7 Q. (BY MR. MOODY) I show you what has been  
8 marked for identification purposes as State's Exhibit  
9 17, 16, 18 and 19 and ask you if these are the  
10 original video and audiotapes of your interviews in  
11 Georgetown, Texas, dated December 20th, 1983?

12 A. Yes, they are.

13 Q. How can you identify them?

14 A. The face of most of it was written by Martin  
15 Beltran with his initials, which I recognize. My  
16 handwriting also appears on the labels.

17 Q. All right. Then, were these -- was this  
18 videotape subsequently transcribed?

19 A. Yes, it was.

20 Q. Did you check the transcription to make sure  
21 it was an accurate transcription of the video/audiotapes?

22 A. Yes.

23 Q. Now, in regards to this videotape, did you  
24 identify the voices on the tape?

25 A. Yes.

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1 Q. Did you read Henry Lucas his full and  
2 complete warnings?

3 A. Yes.

4 Q. Did you ask Henry Lucas if he wished to  
5 waive those rights?

6 A. Yes, I did.

7 Q. Did he do so?

8 A. Yes.

9 Q. Did he ever request an attorney at any time  
10 during this interview?

11 A. No, he did not.

12 Q. And let's see. Let's go through this  
13 transcript, a few places in it. Are you familiar  
14 with this transcript?

15 A. Yes, this is the transcription from this  
16 tape.

17 Q. All right. Do you recall if you asked Henry  
18 Lucas approximately how many times he had been in El  
19 Paso prior to his arrest in June of '83?

20 A. Yes, I did ask him that question.

21 Q. All right. Would you turn to page 2? What  
22 was his response?

23 A. Well, he counted out loud and he said about  
24 seven times.

25 Q. All right. Did he ever talk to you in that

1 interview about picking up a woman at the El Paso  
2 truck stop?

3 A. Yes, he did.

4 Q. All right. Would you turn to page 10,  
5 please? Did he describe that woman?

6 A. Yes, he did.

7 Q. How did he describe her?

8 A. He said blondish-haired woman, approximately  
9 35 to 40 years old, about five-foot tall to  
10 five-foot-nine, maybe five-foot-nine, and he called  
11 her a classic dressed woman.

12 Q. All right.

13 A. He also said she was -- Oh, excuse me.

14 Q. What else did he say?

15 A. He said she was well dressed and had a lot  
16 of Mexican jewelry.

17 Q. On page 11 did he tell you if he actually  
18 abducted this woman or what happened to her?

19 A. Yes, he did.

20 Q. Where did he say he abducted her from?

21 A. From the truck stop.

22 Q. Any particular part of the truck stop?

23 Referencing page 11.

24 A. From the parking area.

25 Q. Did he tell you what type of vehicle he was

1 driving on that occasion on page 12?

2 A. He said he had a Pontiac Catalina.

3 Q. Did he describe what color it was on that  
4 page?

5 A. White top with maroon -- the bottom was  
6 maroon.

7 Q. Okay. Going to page 13, did he tell what  
8 kind of license plates it had on it and what happened  
9 to that vehicle?

10 A. He said it did have Texas license plates and  
11 it was registered to another woman.

12 Q. Okay.

13 A. And her name was Martha Walker, he thought.

14 Q. Did he tell you what happened to that  
15 vehicle? In reference to probably page 13.

16 A. Oh, he said he left it in San Jon, New  
17 Mexico.

18 Q. Did he say why?

19 A. He called it San Juan in the beginning.

20 Q. Did he tell you when this incident occurred,  
21 this confrontation with this person at the truck stop  
22 in --

23 A. He said it was June of '83.

24 Q. Did he give you a time?

25 A. Time of day?

1 Q. Yeah, approximately a time of day that that  
2 occurred?

3 A. He said 2:00 or 2:30 in the morning -- or he  
4 said at night, and I asked him if it was in the  
5 morning and he said yes.

6 Q. Going to page 20, did he further describe  
7 her as to whether she was -- basically her weight,  
8 her height, her age?

9 A. He said that she was not light. She weighed  
10 a good 155 to 160 pounds and she was 30 to 35 --  
11 Excuse me -- 35 to 40 years old and roughly  
12 five-foot-nine.

13 Q. Did he reference this incident with any  
14 particular person or somebody that he had called?  
15 I'll reference you to page 23 on that.

16 A. He said after that he called Rueben from  
17 Deming, New Mexico, Rueben Moore.

18 Q. Did he say why he had called Rueben?

19 A. He was out of money and he was going to go  
20 back, I believe.

21 Q. Okay. Now, I refer you to page 26. Going  
22 to another time frame, not June of '83, did you  
23 question him about ever being in El Paso for any  
24 other type of incidents?

25 A. He talked about being here in 1981, in June.

1 Q. Did he discuss going into what he called  
2 Mexico?

3 A. Yes, he did.

4 Q. What did he say about that?

5 A. He said that he was with Frank, who was  
6 Becky's brother, and Becky and Ottis Toole.

7 Q. Okay. Did he describe the area in Mexico to  
8 you? Referring to page 28.

9 A. I asked about the landscape. He said it was  
10 a small town.

11 Q. All right. Are you familiar and did you  
12 point him out -- did you have some pictures of the  
13 international bridges?

14 A. Yes. I did of the one at Cordova, yes.

15 Q. Did he indicate that was the one?

16 A. No, he said that was not the one.

17 Q. All right. When he mentioned a small town,  
18 are you familiar with Ysleta?

19 A. Yes, I am.

20 Q. Is that -- Has that ever been considered a  
21 small town that El Paso grew up around?

22 A. That's correct.

23 Q. Does it have the appearance of small town?

24 A. Yes, it does.

25 Q. Does he describe any buildings in the area?

1 Referring you to page 29.

2 A. He remembered a, what he called a rescue  
3 type of building, sort of a sand type building near a  
4 gas station.

5 Q. Did he tell you how he would spend the night  
6 on that particular trip -- Referring you to page 31 --  
7 where he had stayed, whether in a motel or what he  
8 would do?

9 A. He said they had stayed in the car overnight.

10 Q. Referring you to page 37, did he mention an  
11 additional murder that you were familiar with?

12 A. He talked about when he went through Arizona  
13 that they had a head of a -- I believe that it was a  
14 woman that they had decapitated. The head was in the  
15 car. And when they had gone through the vegetable --  
16 the fruit-vegetable deal there that he went through  
17 and they did not search the car, but the head was in  
18 the car.

19 Q. All right. Did the -- Were you familiar  
20 with that case that he was referring to?

21 A. Yes, I had heard about it in the seminar I  
22 went to.

23 Q. Was he telling you where he had left the  
24 head and where the body was?

25 A. Yes. He said that the body was in Plainview

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1 and that the head was in the car and he buried it in  
2 Arizona later.

3 Q. All right. Were you familiar with the case  
4 out of Plainview, Texas, with the decapitation?

5 A. I knew the general details of it from the  
6 seminar. I didn't know any of the actual details. I  
7 never investigated it or spoken firsthand with any of  
8 the investigators.

9 Q. Referring you to page 59, did he ever talk  
10 to you about going into the truck stop in June of '83,  
11 when he referred to it first as June of '83?

12 A. He said approximately June the 7th or 8th  
13 of '83 he stopped at a truck stop there.

14 Q. Okay. Referring to page 85, did Henry Lucas  
15 ever discuss whether or not he had broken into some  
16 homes in El Paso?

17 A. He did say he broke in some homes. Those  
18 were his words.

19 Q. Okay. Did he ever talk to you about how he  
20 broke into some of those homes?

21 A. One he said he went through the window.

22 Q. Did he tell you if there was anyone in the  
23 house when he went in?

24 A. Yes.

25 Q. Who was in the house?

1           A.     Just let me find it here. I believe he said  
2 an old woman. Let me find it.

3           Q.     Referring to probably page 87 and 88.

4           A.     He said, "There was a woman asleep when we  
5 went in."

6           Q.     All right. He inferred that there were  
7 other people with him on that occasion?

8           A.     Yes.

9           Q.     Did he state whether or not he or the people  
10 with him raped the lady?

11          A.     His words are, "We raped her back out there."

12          Q.     All right. Did he describe that lady to you  
13 as far as how old she was, what she looked like, her  
14 basic weight?

15          A.     He said, "She was a woman, maybe 50, 55  
16 years old, sort of gray-headed, sort of heavy build."

17          Q.     All right. Now, that woman, though, he did  
18 not say he killed her, did he?

19          A.     No, he said they left her tied up.

20          Q.     Now, going to that particular interview, did  
21 you terminate that interview that day?

22          A.     Yes.

23          Q.     And the types of photographs that you showed  
24 Henry Lucas in regards to this interview, what were  
25 they, crime scene photos?

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1           A.     No, they were just -- Before I went up there  
2 Detective Flynn and I discussed it. And in order to  
3 get a bearing on what he might discuss, we took  
4 pictures of landmarks including the Cordova bridge,  
5 the truck stops -- I knew that he stopped at truck  
6 stops quite often -- and also some of the exits along  
7 the way to see if he could remember them.

8           Q.     And why was it that you had photographed  
9 truck stops and that type --

10          A.     Well, from my experience at the seminar, I  
11 learned that he favored truck stops. He would stay  
12 at truck stops quite often.

13          Q.     And the truck stop that he was referring to  
14 as I was asking you the questions, was that -- which  
15 truck stop was that?

16          A.     The Chevron truck stop located at Interstate  
17 10 and Airway Boulevard.

18          Q.     All right. And then on the -- or after that  
19 occasion, did you set up an opportunity for an  
20 appointment for Henry Lucas to come to El Paso so  
21 that he could take you around to whatever crime  
22 scenes there were?

23          A.     Yes, we did.

24          Q.     And when did that occur?

25          A.     February 13th, 1984.

1 Q. All right. And that was -- was the one in  
2 which a van was used?

3 A. That's correct.

4 Q. Did Henry Lucas ever indicate to you in any  
5 way about an old woman being murdered during that van  
6 ride?

7 A. Yes, he did.

8 Q. How did that come about?

9 A. Well, from our first interview, he talked  
10 about two homicides, the one of the body he dropped  
11 in Horizon City and one that occurred on Trans  
12 Mountain Road or what he described as Trans Mountain  
13 Road in that initial interview. So our purpose was  
14 to go out to these two places to go in that area to  
15 determine where the homicides had occurred.

16 We -- Our first -- From the airport when he  
17 came in, we went up toward or went out Interstate 10  
18 toward Horizon City. And when we went up to --  
19 Actually we ended up going to Horizon City by the  
20 golf course and what have you.

21 When we came back down -- down Horizon, I  
22 believe it's Horizon Boulevard, right at the freeway  
23 just before we turned onto the access road he pointed  
24 toward Ysleta and said that he had killed a woman in  
25 Mexico there and pointed toward the Ysleta area.

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1 Q. Did you go down to that area?

2 A. No.

3 Q. When he said Mexico, what did you think?

4 A. Well, the fact was is that he was being held  
5 in Texas and he wasn't about to go to Mexico and try  
6 to determine if there had been any homicides that  
7 occurred there. To be honest, I wasn't interested in  
8 solving a homicide that occurred in Mexico, so I just  
9 let it go.

10 Q. Did you ever even travel into the lower  
11 valley?

12 A. No, we did not.

13 Q. Did you ever feed Henry Lucas any  
14 information about the Librada Apodaca case?

15 A. No, I did not.

16 Q. Did you even have the information if you  
17 wanted to?

18 A. No, I did not.

19 Q. Did you ever show him any crime scene photos  
20 of any crime scene?

21 A. No, I did not.

22 Q. Did anyone ever do that in your presence?

23 A. No.

24 MR. MOODY: Pass the witness.

25

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