

1 trying to make you feel guilty about that,
2 because if that's what you think, that that's
3 how you feel, then it's within your power to do
4 it; it certainly is. But think very hard about
5 that, because it is something that all of us are
6 going to live with, literally, for the rest of
7 our lives.

8 I thank you.

9 THE COURT: All right, Mr. Walsh. You
10 have 37 minutes.

11
12 CLOSING ARGUMENT BY THE STATE

13 MR. WALSH: Ladies and gentlemen,
14 I sat there yesterday, listening to this, and I
15 was trying to be nice coming back. But I'm
16 getting sick of this. It's amazing that in 24
17 hours, I've gone from being an elected official
18 who's not too particular about confessions, who
19 wants a conviction, to being someone Mr.
20 McCollough is proud of, to being a good man, to
21 being all these other good things. Maybe
22 they're saying that now because you ladies and
23 gentlemen might have agreed with me yesterday.

24 Let's talk about the emotions and the
25 rhetoric and the blood boiling; who has been

1 doing that? Mr. Parker brings the Bible up here
2 and starts preaching from the scriptures. You
3 know, I'm not much of a Bible thumper myself. I
4 believe in God and I have my religion, but I
5 generally try to keep it to myself. But I
6 recall that Bible contains a whole lot of other
7 stuff that Mr. Parker didn't talk about. Mr.
8 Higginbotham did; it's got something in there
9 about an eye for an eye, and it's got something
10 in there about whoever would harm a child, it's
11 better that they have a millstone tied around
12 their neck and thrown into the sea. We're
13 talking about a 15-year-old girl this man
14 killed. So, you know, you talk about rhetoric
15 and blood boiling; let's think about who is
16 bringing it up.

17 Mr. Parker has tried his best to get
18 each and every one of you people to feel bad
19 about what you said on voir dire, that you
20 believed in our law that provides for the death
21 penalty, that in a proper case you could vote
22 it, that you could answer these two questions
23 fairly and honestly, depending on what the
24 evidence is. I asked each and every one of you
25 that, "Is there anything about your moral

1 beliefs or religious beliefs that would prevent
2 you from following our law, or would you let the
3 chips fall where they may if we proved beyond a
4 reasonable doubt that the answers should be yes,
5 you would vote it?," and every one of you said
6 so. Mr. Parker talks about his personal beliefs
7 and he's trying to talk you out of what you said
8 you would do back when we first started this
9 case.

10 You mean all it takes for someone not
11 to get the death penalty or for someone not to
12 answer that probability question "No" is that
13 before we got to try him, he got some life
14 sentences? That's not what that question goes
15 to; that's not conditioned on that. He can't
16 use that in his own benefit saying, "Look, I've
17 already been convicted to life; I've already
18 been convicted to 75 years. I'm not going to be
19 any threat; I'm going to be in prison." That's
20 beside the point. But even if you assume that,
21 people escape from prison. And you ladies and
22 gentlemen, talking about sleeping tonight, can
23 you ladies and gentlemen take that chance that
24 this man might somehow get out on the street?

25 And this man cries, but he cries at

1 the wrong times. He cries when you're talking
2 about him. He doesn't cry about Becky; he
3 doesn't cry about Kate Rich or Sandra Dubbs or
4 Ms. Grey; he cries about himself. And you can
5 judge that in determining whether or not he
6 really wants the death penalty.

7 He talked about it real big back
8 months ago. He talked about it before we
9 started seeing that the State of Texas and other
10 states are getting tired of letting these
11 convicted murdering, dangerous people sit
12 on death row for years. We're starting to
13 execute some of those people; he knows that.
14 And it's sort of like the little deal that I
15 heard when I was a kid about, "Please don't
16 throw me in the briar patch." The last thing in
17 the world he wants is the death penalty.

18 Let's talk about this alibi. Let's back up.
19 "We want you" -- the Defense wants you to
20 second-guess your decisions that took you all
21 that time to do: "Well, maybe he wasn't there."
22 If I was sitting on that jury, that would be a
23 slap in my face, taking as much time as you
24 ladies and gentlemen did to decide the case and
25 then they get up and say, "You might have been

1 wrong; can you take that chance?"

2 Phil Ryan was sitting outside all
3 during this trial. Wouldn't it have been awful
4 if --

5 MR. HIGGINBOTHAM: I'll object to
6 that; that's not the case.

7 MR. WALSH: I'll restate that.

8 Phil Ryan testified he was subpoenaed
9 for the Defense and that he was available to
10 testify. Why didn't they put him on on guilt?
11 Wouldn't that have been important to you ladies
12 and gentlemen? Wouldn't that have gone to help
13 this Defense? No, they put him on after you
14 have made your decision: "Let's take another
15 shot at it; let's make them feel bad." You all
16 don't have to be too smart to see through these
17 arguments.

18 Let's talk about these work records.
19 I think you have decided those work records are
20 a bunch of baloney, based on who was keeping
21 those records. But let's talk about them;
22 first of all, Sandra Dubbs. Counsel pulled out
23 that one that on October the 1st, he was working.
24 Sandra Dubbs didn't disappear until late in the
25 evening or the night of October 2nd. Lucas

1 wasn't working on October 2nd; Lucas wasn't
2 working on October 3rd. He doesn't show back up
3 on the payroll until October 4th, so these work
4 records and this alibi don't even pertain to
5 Sandra Dubbs' death. And where are the work
6 records showing him working there in Florida on
7 April the 18th, when Ms. Grey was killed?

8 "All they have is his statements; they
9 don't have any other evidence." You convicted
10 him of capital murder on his statements. And we
11 heard a great attack yesterday against the
12 sheriff and myself, so now we're going to say,
13 "We're not just talking about Williamson County.
14 This officer from over there in Abilene went
15 over and needed to clear that robbery case, and
16 he fed Lucas all this stuff and got this
17 confession." That's the inference they're
18 making, that that officer from Abilene would do
19 that; and the officer from Austin would do that,
20 that Gary Cutler would do that. And they asked
21 a few too many questions about Gary Cutler. And
22 we were able to show you that Gary Cutler talked
23 to Lucas about other cases, that he had one that
24 was solved. He said, "We tried every way in the
25 world to get him to take that case, to see if he

1 would, and he didn't."

2 Phil Ryan talked about Mr. Lucas
3 playing games with him, wanted to see if he was
4 checking out all this information he gave him.
5 And Phil Ryan said there are many confessions
6 this Defendant has given that he doesn't have
7 any doubt at all or any reason at all to doubt
8 that they are true.

9 Mr. McCollough comes up here and
10 starts making all these statements that are not
11 based on any evidence at all in this case:
12 "This is a weak case." If it's so weak, how
13 come you ladies and gentlemen found him guilty?
14 And he made the statement, "There are stronger
15 cases besides this one." Where did you hear any
16 evidence that there's stronger cases than this
17 one?

18 Let's talk about deterrence and what
19 Mr. Higginbotham said about the purposes of
20 punishment. No, we're not talking about
21 rehabilitating Henry Lee Lucas; nobody has ever
22 been able to do that. Let's talk about
23 deterrence. By giving an appropriate
24 punishment, we are not going to deter Henry Lee
25 Lucas or people like Henry Lee Lucas. He is a

1 sociopath; he is a psychopath, and,
2 unfortunately, there are a whole lot of other
3 people out on the streets just like him. It
4 would be hard to imagine anybody that bad, but
5 there are a lot of people out there similar to
6 him. It's not going to deter those sorts of
7 people, but what it is going to do is to deter
8 someone who kidnaps or abducts or takes somebody
9 to rape them and decides that they're not going
10 to leave a witness around. Those are the types
11 of people that it can deter.

12 We don't know how many people it
13 does deter. That's the whole purpose of the
14 death penalty. That's the whole purpose of why
15 we have this scheme of things. If you're in the
16 course of committing one of these felonies, if
17 you decide you're not going to leave a victim
18 around, you're going to get the death penalty.
19 It gives someone incentive for not killing
20 someone. Aggravated rape is a life -- maximum
21 is a life sentence, just like they're arguing
22 for. Well, we've got to have some way to
23 protect our victims; we've got to have some way
24 to protect society.

25 I don't know where the pictures of our

1 victim are, but if you go back there and want to
2 feel sorry for somebody, you look at these
3 ladies. That's what Henry Lee Lucas is about;
4 that's what the death penalty is about. This is
5 why we have the death penalty, for people who do
6 things like this.

7 The answer to these questions, if ever
8 any question was to be answered "Yes" in the
9 whole course of your life, ladies and gentlemen,
10 it is these two questions right here. The
11 Legislature knows that it's not easy to say,
12 "Let's give somebody the death penalty," and I'm
13 not saying that it's easy. Somebody said that,
14 "You know, we don't have to do it; it's up to
15 you." That's right, but I am here. I think you
16 should do it, if we're going to talk about
17 personal opinions.

18 Deliberately, probability, is there a
19 probability? There is a certainty on those
20 questions. The time has finally come for
21 someone to give Henry Lee Lucas a sentence that
22 he should have gotten a long time ago. If he
23 would have had a death penalty after he killed
24 his mother, how many people would be alive
25 today; how many people would that have saved?

1 These attempts to make you feel bad
2 about it and I'm going to say to put some sort
3 of guilt trip on you about this, don't let them
4 do that. The only guilty person here is Henry
5 Lee Lucas; he is why you are here, not because
6 of anything you did or anything I did or
7 anything that Sheriff Boutwell did or anybody
8 else did; it's because of what he did. And
9 there finally comes a time when somebody is
10 going to have to say, "Henry Lee Lucas, you
11 can't do that. Enough is enough." And what you
12 have to do, ladies and gentlemen, to say that is
13 to go back and answer both of those questions
14 "Yes." You said when you were sworn in that you
15 would a true verdict render according to the law
16 and the evidence, and that is the only true
17 verdict in this case.

18 I have enjoyed being here. I
19 appreciate it and thank you very much.

20 THE COURT: All right. Ladies and
21 gentlemen, that concludes the final argument
22 stage of this trial on punishment. I'm handing
23 the charge to the Bailiff; it will go with you
24 to the jury room. Once again, any evidence that
25 has been admitted into evidence that you require

1 will be delivered to you in the jury room. And
2 remember the instructions about communications
3 with the Court. All right. You are excused.
4

5 (Whereupon the jury retired
6 from the courtroom for their
7 deliberations, and a brief
8 recess was had, after which
9 proceedings were had as
10 follows:)

11
12 THE COURT: All right. Before we
13 receive the verdict from the jury, I want to ask
14 the press. The jury is worried about talking to
15 the press. They don't want to talk to the press.
16 And I would ask that you honor their request,
17 please.

18 Also, there will be no outburst or no
19 demonstrations upon receipt of the verdict here
20 in the courtroom. I will ask everyone to remain
21 seated until the jurors have been allowed to
22 clear the building, at which time the Bailiff
23 will come back and report that the jurors have
24 cleared the building, and then you will be able
25 to leave the courtroom.