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

THE STATE OF TEXAS)
vs.) CAUSE NO. 43314-120
HENRY LEE LUCAS)

12

COPIED

STATEMENT OF FACTS
heard on
SEPTEMBER 18, 1986

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EXHIBITS

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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 18th day of
September, 1986, beginning at 9:15 a.m., came on to
be heard the continuation of 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
reported 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: Please be seated, ladies and
2 gentlemen.

3 Mr. Moody, I think you have the witness,
4 don't you?

5 MR. MOODY: You're correct, Your Honor.
6 It's our turn to go back with Greg Lucas here. I
7 only have a few questions.

8
9 CONTINUED REDIRECT EXAMINATION

10 BY MR. MOODY:

11 Q. Now, Detective Lucas, is this a transcript --
12 or is this a transcript of the tape recording in the
13 van ride that you were involved in on February 13th,
14 1984, I believe?

15 A. Yes, it is.

16 Q. Now, the first time that I note in that that
17 you turned the tape recorder off, which the defense
18 attorney was bringing that issue up, was at 12:11
19 p.m.

20 A. Yes.

21 Q. Is that correct?

22 A. Yes, sir.

23 Q. Why was the tape recorder stopped?

24 A. Well, at that time we were going to go
25 across town to the west side, and then shortly after

1 that we decided to go eat lunch at the truck stop.

2 Q. That was right after the time when he
3 mentioned the fact about the old lady in Mexico. Is
4 that correct?

5 A. Yes.

6 Q. And the tape recorder was off for
7 approximately five minutes.

8 A. That's correct.

9 Q. Is that right? And where were you going in
10 that five-minute time frame?

11 A. Well, like I say, we were on our way -- we
12 are going to drive to the west side where he had
13 talked about it in the first statement, and then
14 during that time we had decided to turn around and go
15 back and eat. But we were in El Paso on Interstate
16 10.

17 Q. All right. And apparently during that
18 five-minute time period you must have mentioned
19 something that you thought might be of some interest
20 and you turned the machine back on. Is that correct?

21 A. That's correct.

22 Q. All right. And then as soon as that was
23 over, three minutes later at 12:19, you're talking
24 about now: Greg Lucas: "You want to go back to the
25 truck stop and eat?"

1 David Marquez: "It would be a lot better
2 than coming down to some other place."

3 "I now show 12:19. I'm going to stop now."
4 That stop is for lunch?

5 A. Yes, that's correct.

6 Q. Is that correct? That was a lunch where?

7 A. At the Petro truck stop in Horizon City.

8 Q. Then the machine is turned back on at 1:35
9 p.m.?

10 A. Yes.

11 Q. That's what the transcript shows. That was
12 a time period that you-all were eating lunch?

13 A. Yes, and also on the drive on Interstate 10
14 to where -- well, turned near Airway.

15 Q. All right. Now, there were times when you
16 would be driving fairly long distances, obviously.
17 You were at one point way out past Horizon City, you
18 were out past Horizon City and another point you
19 would be way over on the west side of El Paso County?

20 A. That's correct.

21 Q. And would there be time periods where there
22 would be, just be, you know, no discussion, just
23 drive time?

24 A. That's correct.

25 Q. And rather than have the tape recorder just

1371

1 with nothing, you just turned it off?

2 A. That's correct.

3 Q. Then apparently from 1:35 to approximately
4 1:45 from the Chevron truck stop, you had it on there
5 for approximately 10 minutes. What were you doing in
6 that time period?

7 A. While we were talking?

8 Q. Well, where were you traveling from? We
9 knew that you were -- at the first point you were
10 talking about the Chevron truck stop?

11 A. That's correct.

12 Q. And then the next time we see an actual time
13 reflected is at 1:45.

14 A. We -- At that time we had just -- we were --

15 Q. That you were going to stop the tape?

16 A. That's correct. We were on the interstate
17 between the truck stop at Airway before you get to
18 the North-South Freeway. That's where he was talking
19 about the bars. We were trying to identify the bars
20 he said he stopped at. And we couldn't do so, and
21 that's when I turned off the tape.

22 Q. Then you turned off the tape and again it
23 starts up at about 2:03 p.m. What were you doing in
24 that time frame?

25 A. It took us that long to get to where he

1 pointed out Trans Mountain Road.

2 Q. That was the travel from the central part of
3 El Paso on Interstate 10 out to the Trans Mountain
4 Road exit?

5 A. Yes.

6 Q. When you were outside of the car, when you
7 stopped the car out there, was the tape recorder off
8 or on when you were out at Trans Mountain Road?

9 A. We stopped the tape recorder when we got out
10 of the van.

11 Q. Those times are noted around 2:43 and 2:58
12 p.m.?

13 A. That's correct.

14 Q. Then there is a trip down to Canutillo,
15 which you already went over?

16 A. Yes.

17 MR. MOODY: Pass the witness.

18 MS. SIPES: I have no questions, Your Honor.

19 THE COURT: May this witness be excused?

20 MR. MOODY: Yes, Your Honor.

21 THE COURT: Thank you, Officer Lucas.

22 Who will be your next witness, Mr. Moody?

23 MR. MOODY: Texas Ranger Buster Collins.

24 THE COURT: Who?

25 MR. MOODY: Buster Collins, Texas Ranger.

1 THE COURT: Officer Lucas, look in that
2 room, jury room and see if he's in there? Would you
3 ask him to come in? Do you know him?

4 GREG LUCAS: Yes, sir.

5 THE COURT: Ask him to come in, if you don't
6 mind.

7 MR. PONTON: Also, Your Honor, before this
8 witness left I wanted to inquire from him on the
9 pictures that the DA's office were trying to find
10 yesterday that were shown to Henry Lucas during his
11 December 20th interview.

12 GREG LUCAS: I could not locate them, Your
13 Honor. Detective Curtis Flynn has control of the
14 investigation. His father became ill last night, and
15 did not come to work. I will see if I can locate
16 them this morning.

17 THE COURT: Mr. Lucas, if you could, you
18 know, see if you can find them for us.

19 GREG LUCAS: Yes, sir, I will.

20 THE COURT: If you don't mind.

21 Sir, would you please raise your right
22 hand?

23 Have a seat, please.

24

25

CALVIN JERRY COLLINS,

1374