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2 (The jury was returned to the
3 courtroom, and the following
4 proceedings were had:)

5
6 THE COURT: Are you ready to proceed, Mr.
7 Walsh?

8 MR. WALSH: Yes, sir. At this time, the
9 State of Texas rests.

10 THE COURT: All right. Ladies and
11 gentlemen of the jury, the State of Texas has
12 rested their case in chief. Now comes the point of
13 the trial where the Defense has an opportunity to
14 give an opening statement and present evidence. So
15 we're moving to that stage of the trial. The
16 Defense does not have to present any evidence if
17 they do not wish to present evidence.

18 Do you wish to make an opening statement?

19 MR. McCOLLOUGH: Yes, Your Honor, I do.

20 THE COURT: Go ahead, Mr. McCollough.

21
22 OPENING STATEMENT ON BEHALF OF THE DEFENSE

23 MR. McCOLLOUGH: May it please the Court.
24 Counsel and ladies and gentlemen of the jury, it
25 has been a long process. It is one that involves

1 lots of interruptions, bringing you in and taking
2 you out. I apologize for that, but it is essential
3 that this trial be conducted as fairly as
4 possible. I think everyone agrees and understands
5 that.

6 It is our turn now. You told us when we
7 questioned you individually three or four weeks ago
8 that you wouldn't make up your mind until all of
9 the evidence was presented. I want to ask you
10 again to please remember not to make up your mind;
11 wait until all the evidence is before you. Keep in
12 mind as we go through the rest of the trial these
13 concepts that we talked about: reasonable doubt,
14 presumption of innocence, burden of proof, who has
15 them.

16 I have had an opportunity to observe you
17 over the last three or four days, and I have
18 noticed the attention that each one of you has been
19 paying to the testimony and to these tapes. I
20 realize at times it gets a little boring just
21 listening to the tapes two or three times, but I
22 notice each one of you has been paying attention
23 and has been listening to what has been presented
24 here in court. On behalf of my client, Henry
25 Lucas, I want you to continue with this attention

1 that you have been giving us.

2 We are going to bring in our case in
3 chief impartial witnesses. These witnesses will be
4 coming from Florida. You've see some evidence
5 concerning road maps, road mileage from
6 Jacksonville, Florida, to Oklahoma to Texas. The
7 witnesses that we will be bringing to testify here
8 in Texas will testify that Henry Lee Lucas was
9 working on a roof at the Naval Air Station in
10 Jacksonville, Florida, at the time this girl was
11 killed.

12 In addition to these impartial witnesses,
13 we will bring expert witnesses. These experts will
14 be able to say that Henry Lee Lucas had a severe
15 mental disorder or defect, a longstanding mental
16 disorder or defect that was operative in October of
17 1979. You will also see, that in connection with
18 this serious mental disease or defect, testimony
19 that will indicate that this condition was such
20 that it would cause Henry Lee Lucas to give false
21 confessions to Sheriff Jim Boutwell concerning the
22 killing of this unidentified woman.

23 Because what we are asking you to do and
24 what I feel that you will do after you have heard
25 all the evidence is disbelieve any and all

1 confessions that Henry Lee Lucas made to Jim
2 Boutwell concerning the killing of this
3 unidentified woman, whether you think those
4 confessions are voluntary or not, we feel you will
5 be able to disbelieve those confessions.

6 What we want you to think about during
7 the rest of the trial are two things: Why would a
8 man give a confession which was false, and why
9 would people believe it? I believe at the end of
10 the trial you will be able to answer those
11 questions.

12 Our witnesses will be able to come in and
13 testify concerning work records, payroll records,
14 checks dealing with Henry Lee Lucas, dealing with
15 his employment at the Southeast Color Coat, which
16 is a roofing operation in Jacksonville, Florida.
17 We will bring the foreman who will be able to
18 testify that they saw Henry Lee Lucas on the job on
19 the day that this girl was killed. We will have a
20 storekeeper who will be able to testify that he
21 cashed his check on November 1st.

22 There may be medical testimony from a
23 doctor in Wichita Falls concerning his treatment of
24 Henry Lucas after a suicide attempt in June 1983,
25 and that Henry Lucas was released from the hospital

1 the day before he saw Sheriff Boutwell on June
2 22nd.

3 As I said, there will be expert
4 witnesses, a psychologist who will testify
5 concerning his observations and examinations of
6 Henry Lucas. There will be a psychiatrist, who is
7 also a medical doctor, who will testify as to Henry
8 Lucas's mental condition.

9 We feel that after the presentation of
10 our evidence and remembering in your mind these
11 concepts of reasonable doubt, presumption of
12 innocence, that you will be able to return a
13 verdict of not guilty.

14 Your Honor, at this time I would call
15 Eilene Knight.

16 THE COURT: Eilene Knight?

17 MR. McCOLLOUGH: Eilene Knight, as our
18 first witness.

19 THE COURT: Ms. Knight, would you step
20 right up here and raise your right hand.

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