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testified as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. BUTLER:

Q All right, Mr. Thorp, how are you employed, sir?

A I work for the County Constable's office, sir.

Q In what capacity?

A Deputy Constable.

Q And as such, what are your duties, please, sir?

A Oh, all kinds of civil papers, felonies, just warrants, you know, theft warrants.

Q How long have you been so employed?

A Pretty close to 12 years or so.

Q Were you employed back during the summer of 1982?

A Yes, sir.

Q At that time, specifically, the middle part of July 1982, did you do anything other than or in conjunction with your work as deputy constable?

A Yes, sir, I was security guard out at Speegleville Park marina.

Q And exactly, what do you mean by "security guard"? What were your duties and responsibilities with regard to that?

A Well, I would say, just keeping down the riffraff and patrolling the area at different periodical times at night.

25

1 Q Would you describe for the jury just exactly what
2 is located at Speegleville Marina?

3 A Beg your pardon?

4 Q What does Speegleville Marina consist of?

5 A Okay, they would have about 60 or 70 barges plus a
6 lot of fishing boats, pleasure boats and piers and
7 docks, things like that.

8 Q Is there a store located there?

9 A Yes, sir.

10 Q So it is the kind of place where people keep their
11 boats and the kind of place where people spend the
12 night occasionally?

13 A Yes, sir.

14 Q And do you provide security during -- what hours?

15 A On the weekends, sometimes during the day, but mostly,
16 at night -- say, from dark, say, 7:00 o'clock until,
17 you know, just every three or four hours to make a
18 round or two.

19 Q And during the rest of the time, during the time
20 between your rounds, what did you do?

21 A Well, normally, I would be there at the house either
22 taking a little nap or just watching TV.

23 Q So you had your own house there?

24 A Yes, sir.

25 Q Was it right at the marina?

1 A Yes, sir.

2 Q Directing your attention specifically to the 14th
3 day of July 1982, did anything unusual happen there
4 at your house at the marina?

5 A Yes, sir.

6 Q What was that?

7 A Well, I had just came in from tour duty that day.
8 I would say, I got home around 5:00 o'clock -- 10
9 after 5:00, somewhere like that.

10 I went in to greet the wife and the kids and
11 to have lunch -- supper, and a knock came on the
12 door that evening about, gosh, I don't know what
13 time -- 4:30, quarter till 6:00, 6:00 o'clock,
14 somewhere along in there.

15 It was two young men, and they asked me would
16 I be willing to go down the road with them. They
17 said they think they found something that, you know,
18 that I should see.

19 They knew I was security out there because I
20 had a big sign out letting them know that I did live
21 there and so --

22 Q At that time, did you know either one of those young
23 men?

24 A No, sir.

25 Q All right, is one of them the young man who just

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testified in this case?

A I believe so, yes, sir.

Q Did they tell you specifically what it was that they wanted you to look at?

A Yes, sir, after they got me outside before I got in the car, they said they think they found either a body or a manikin -- just, you know, something like that.

Q What did you then do?

A I followed them in my own car back down to where they led me to, down pretty close to the water.

Q Would you -- if you would, would you step up to what is as evidence is State's Exhibit No. 1 and show the jury on that map where your trailer was located, if it is on there?

A Okay.

Q And the route that you took following them to get to the location?

A Okay, I believe, if I am not mistaken, back over in here is the marina, right in here, and my trailer sat kind of right back off up in here (indicating).

To get to where the boys led me to, I would have to come back out this paved road here and just follow it as it makes a circle and just continue to follow it around, sir.

1 Q Now, would you show from which direction you
2 approached the location where you found the body?

3 A Yes, sir, like I say, I came back out this way,
4 and I came here, and then I come on down this way
5 and dropped off down here, still a paved road to
6 right here, and I turned to the left off coming
7 this way. I turned to the left and drove off down
8 in here, and it was about somewhere around this red
9 peg here where it was located at (indicating).

10 Q So the red pin there in the map indicates approximately
11 the location where the body was?

12 A Yes, sir.

13 Q All right, you may resume your seat, please.

14 I didn't ask you, Constable Thorp, but do you
15 recognize that aerial photograph?

16 A Yes, sir.

17 Q What is it a map of?

18 A Lake Waco and the surrounding borders of it.

19 Q All right, and does it also depict Speegleville Park
20 and the location where Kenneth Franks' body was found?

21 A Yes, sir.

22 Q Do you know what county that is in?

23 A McLennan.

24 Q That is in McLennan County?

25 A Yes, sir.

1 Q All right, what, if anything, did you find when
2 you arrived at the destination with the two boys?

3 A Well, they were in front of me, like I say, and I
4 pulled up behind them.

5 They stopped, and I pulled up behind them,
6 and I looked out my left window there, and I seen
7 this body or whatever laying just a little ways from
8 my car, and I got out, and I talked to the boy for a
9 minute.

10 Then we went over there, and the closer I got,
11 I could see it was a person or human being, and just
12 after that, well, I -- you know, I took the boys --
13 I knew it had to be reported.

14 Q How close did you get to the body?

15 A Oh, within two or three foot, anyway.

16 Q And at that time, did you attempt to render any aid
17 or determine whether or not he was dead?

18 A No, like I say, I haven't seen a whole lot of dead
19 people, you know, but sir, he wasn't breathing.
20 He was definitely dead.

21 Q What did you then do?

22 A I went back over to where the boys' trucks were --
23 where this truck was.

24 I took down the tag number of it and took the
25 boys' two names down.

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I sent them up on the road while I called the Sheriff's Department, and I sent them up the road to watch for the Sheriff's Department.

Q What was the reason you sent them up there?

A So they could show the Sheriff's Department how to get down into where I was at.

Q And did they, in fact, do that?

A Yes, sir.

Q Do you recall, approximately, how long it was from the time you radioed to the Sheriff's Department until the first officers arrived at the scene?

A I didn't keep track of the time too much, but it wasn't too long. It was just like a few minutes.

Q Just guess.

A Ten, 15 minutes.

Q All right.

(Whereupon instruments were marked (for identification as State's (Exhibits Nos. 5 through 7.

Q Constable Thorp, let me show you what has been marked for identification purposes as State's Exhibits Nos. 5, 6 and 7 and ask you if you can identify these, please?

A Yes, sir.

Q What are they?

A That is the young man that I found.

1 Q All right, do these photographs truly and accurately
2 depict the body of Kenneth Franks as you first
3 observed it?

4 A Yes, sir.

5 Q There on the 14th day of July 1982?

6 A Yes, sir.

7 MR. BUTLER: We would offer
8 State's Exhibits 5, 6 and 7 into evidence.

9 MR. VANCE: Your Honor, could
10 we have the jury step out a minute?

11 THE COURT: Yes, sir.

12 (Whereupon the jury retired
13 (from the courtroom and the
14 (following proceedings took
15 (place out of their presence
16 (and hearing:

17 MR. VANCE: Your Honor, it is
18 our contention that State's Exhibits 5, 6 and 7
19 are such that the probative value does not outweigh
20 the inflammatory aspects of those particular
21 photographs.

22 We have already had a picture
23 introduced without objection of Mr. Franks' body
24 as viewed by Sidney Smith, and therefore, we would
25 object to State's Exhibits 5, 6, 7.

We furthermore feel that all
these photographs are not necessary to indicate the

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position or the particular view that Officer Thorp viewed on July 14, 1982.

MR. BUTLER: As the Court is well aware, if it can be described in words, it is admissible, as far as a picture.

Further, each of those depicts a different thing.

Certainly, what has already been admitted, State's Exhibit No. 4, is a totally different view from which no detail can be seen taken from the roadway of the body as it lay overall.

These are closer -- close-up pictures that all show different areas of the body. Specifically, State's Exhibit No. 5 showing a side view.

State's Exhibit No. 6 being a close-up view of the face and upper portion of the chest, and State's Exhibit No. 7 showing a close-up view of the bindings on the hands of the body, and certainly, that is one of the essential and crucial elements of this case.

THE COURT: All right, objection is overruled. State's Exhibits 5, 6 and 7 will be admitted.

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(State's Exhibits Nos. 5 through 7
(were then admitted into
evidence.

(Whereupon the jury returned into
(the courtroom and the following
proceedings took place:

MR. VANCE: For the record, we
would object to the introduction of State's Exhibits
5, 6 and 7 as the probative value does not outweigh
the inflammatory aspects of those particular photos.

THE COURT: All right, objection
overruled. 5, 6 and 7 will be admitted.

MR. BUTLER: Thank you, Your Honor.

Q Would you describe for the jury, Constable Thorp,
what happened as the first officers arrived at the
scene?

A Yes, sir, when they first got there, well, like I
say, they was just kind of milling around a little
bit standing out of the way, you know, and keeping
people back.

Then as more of them came in, Waco PD, Sheriff's
Department, whatever, well, it seemed like one of
them -- I don't recall his name -- asked if we had
seen anything else, you know, and I didn't know
what he was talking about, and he said, if I may say
so --

MR. VANCE: Your Honor, I hate

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to interrupt but I would object to that as being hearsay from this unidentified source -- anything that may have been related to Constable Thorp.

THE COURT: Rephrase the question.

MR. BUTLER: I will rephrase the question.

Q Without going into specifically what any of them said, did you have occasion to search any further?

A Yes, sir.

Q Do you know what you were searching for?

A Yes, sir.

Q What was that?

A The two girls' bodies.

Q And do you know whether or not there were two girls' bodies found?

A Yes, sir.

Q How long did it take to find them?

A Less than five minutes.

Q How far were they found from the body of Kenneth Franks?

A Well, I didn't step it off or anything. Roughly, I will say 45 feet, something like this.

Q Which direction?

A Down towards the water.

Q Toward the water from where Kenneth Franks' body was

1 located?

2 A Yes, sir.

3 Q Were they found on or near the road as his body was?

4 A One of them, as well as I can remember, was about

5 10 foot off the road, and the other one was about

6 20 or 22 foot, something like that, just a little

7 further out in the pasture.

8 Q What, if anything, did you do specifically after the

9 other officers arrived?

10 A More or less, just milled around for, you know,

11 if I could be of assistance or something, after

12 this, because like I say, I -- my schooling, you

13 know, for deputy constable, I don't do a lot of

14 investigating.

15 I wasn't qualified to do any, and I wouldn't

16 have known what I was looking for, anyway.

17 So I just more or less, you know, stood around

18 with the rest of them and entered into conversation

19 with a person.

20 Q You were there to help, if your help was needed.

21 If somebody told you what to do, you would do it?

22 A Yes, sir.

23 Q But you are not a trained homicide investigator?

24 A No, sir.

25 Q And you had turned it over to whatever office had

1 jurisdiction when you made your call?

2 A Yes, sir.

3 Q How long did you stay there at the scene?

4 A Roughly, a time, I don't recall. I know I stayed

5 there long enough to be of assistance if needed,

6 you know, and after so many police officers and

7 whatever got there, then I told the guy that if

8 he needed me, I would excuse myself, and I would

9 be up at the house, and I left.

10 Q So they were still there when you left?

11 A Yes, sir.

12 Q How many officers were there all together? Do

13 you recall?

14 A Oh, roughly, five, six Sheriff's Department, maybe

15 that many Waco PD.

16 I believe, a park ranger and maybe one other

17 constable for a brief moment.

18 Q Do you remember anybody else being there?

19 A Not offhand, no, sir.

20 Q Any media people there?

21 A Oh, yes, sir, they were the first ones there, I am

22 sorry, yes.

23 Q How many media people?

24 A Two people, one female, one male.

25 Q At the time you left, had the bodies been moved?

1 A No, sir.

2 Q Was any ambulance crews out there?

3 A No, sir.

4 Q After you left, did anybody then come down and
5 request that you help them do anything?

6 A No, sir.

7 Q And that was the extent of your participation in
8 this case?

9 A You are saying after I left?

10 Q Yes, sir.

11 A No, sir, that is all of it. That is all.

12 Q That is what I say. That was the extent of it.
13 You didn't do anything more?

14 A No, sir.

15 Q You were willing to, but you evidently weren't
16 needed.

17 A Yes, sir.

18 Q They had plenty of folks?

19 A Yes, sir.

20 MR. BUTLER: Judge, we will pass
21 the witness.

22 CROSS EXAMINATION

23 QUESTIONS BY MR. VANCE:

24 Q Constable Thorp, how long have you lived out there
25 at Speegleville Park prior to July of '82?

2

1 A I believe about five or six months.

2 Q Okay, had you ever been in the area where the bodies

3 had been found?

4 A Close by.

5 Q Okay, can you do me a favor? Can you go to that

6 pad behind you and draw us a little diagram starting

7 where you turned off the paved road to where the

8 bodies were found in the terrain and trees and

9 shrubs around that area, please, sir?

10 A Yes, sir, if I can. Shall I just start at the

11 entrance of the gate?

12 Q That will be fine, yes, sir.

13 A All right, just -- let us just say this is the water,

14 okay?

15 Q All right.

16 A Here is your Twin Bridges. Okay, as you come off

17 the Twin Bridges and go off down in the the park,

18 there is a Corps of Engineers trailer house that

19 sits about right along in here.

20 Q Would you put a T there then for trailer?

21 A Yes, sir. Okay, then you go on up here, and there

22 is another road that comes around back up in here.

23 Q All right, let me also, if you would, sir, put a

24 G where the gate is.

25 A Okay.

1 Q All right.

2 A All right, and this little short road goes up to
3 this paved road, and you can either go left or right.

4 I always went to the right because it was -- I
5 don't know -- more convenient for me, okay?

6 Q Okay.

7 A You follow it on around this way, and again, I
8 drew the water on there but there is a --

9 Q If you want to start over, you can, because you may
10 need a little more detail.

11 A Okay, let me do it again.

12 Q Why don't you tear that off and just --

13 A Okay, that is the Twin Bridges. This is the road
14 you cut off to go in there.

15 This is the trailer. The gate sits about right
16 along in here. The back road comes in down this
17 way.

18 You go on and make a left and circle back
19 around then through here.

20 You will find some bathrooms over in here. Over
21 in here is kind of a table and chairs, benches for
22 a park, and you go on up, and the road continues to
23 go this way, and then there is a dirt road that
24 comes right back over in here (indicating).

25 Q Okay.

1 A This is the water over in here.

2 Q All right, that dirt road, now, would you put a

3 squiggly across that to distinguish it from the

4 paved road?

5 A How about that?

6 Q Okay, are there any fences along that paved road

7 on either side of where you turn off on the unpaved

8 road?

9 A No, sir.

10 Q Okay.

11 A No, sir. Okay, this is the paved road here (indicating).

12 Q Is that unpaved?

13 A This one is the dirt road, yes, sir. I am sorry --

14 the dirt road.

15 It inclines and goes back down to the water,

16 and you follow it down this way so far, and then

17 you run into a bunch of trees, okay?

18 Q All right, put a bunch of squiggly lines as trees.

19 A Yes, sir.

20 Q How dense are those trees?

21 A In the summertime, pretty thick, sir. You know, in

22 the wintertime, they lose their leaves, you know.

23 Q Is there a lot of underlying brush that would make

24 it impassable to go through those trees?

25 A Probably if you get off the road, yes, sir.

1 Q Go ahead and put a big X where you first saw
2 Kenneth Franks' body.
3 A All right, sir. Okay, you follow this road, and
4 then there is another one that comes off down
5 through here just like this, and then there is one
6 that drops off down in here. This is still water
7 over in here (indicating).
8 Q These are all unpaved roads?
9 A Yes, sir.
10 Q Would you mind putting a squiggly line there, please,
11 sir?
12 A Okay. All right, I made a left, and I went down
13 this way, and as the road takes to the right, right
14 here, I found Mr. Franks' body right here (indicating).
15 Q What was the terrain? Would you circle that?
16 A Right here?
17 Q Yes, sir, where you found his body, just put a circle
18 there.
19 A Okay, sir.
20 Q What is the terrain around the area of his -- where
21 you found his body?
22 A Okay, it is flat ground with a foot -- foot and
23 a-half high, a few weeds, not around his body -- it
24 is back over in the surrounding area and some trees.
25 Q Okay, and if you followed that road on out, it goes

1 to -- what, back to the paved road?

2 A Yes, it goes back to the paved road, yes, sir.

3 Q All right, and what is that area in between the

4 paved roads?

5 A In here?

6 Q Yes, sir.

7 A It is just plowed ground that they plow every so

8 often and hay it.

9 Q Who does -- The Corps of Engineers?

10 A The Corps of Engineers and the people that has the

11 ground leased, yes, sir.

12 Q Would you put some horizontal lines to indicate what

13 was plowed ground?

14 A Okay, well, it would be all of this right in here.

15 Q All right, do you observe the position where the

16 two young ladies were found?

17 A Yes, sir.

18 Q Would you put an A where one was found and a B where

19 the other was found in relation to your drawing where

20 Mr. Franks was found?

21 A Okay, sir, one was down the road toward the water.

22 The first one, A, would be right along there, and

23 the other one was right along in here, sir (indicating).

24 Q Okay, and what is the terrain in the area that the

25 two young ladies' bodies were found?

12

1 A It is about the same, sir. Just maybe a few little
2 trees, sapling trees, a little more, but it is open
3 ground.

4 Q Open ground?

5 A Yes, sir, shaded but I mean, open like the surface
6 there.

7 Q All right, are these roads, roads that are frequently
8 used, to your knowledge?

9 A Yes, sir, they are, by fishing people, you know,
10 that need to get down to the bank to fish.

11 Q Mainly, bank fishermen, fishing people -- not boats?

12 A I have never been down there. So I couldn't tell
13 you.

14 Q Okay, and about what was the distance from Body B
15 to the water?

16 A Approximately, between 75 to 100 feet, something like
17 that.

18 Q What is the area between the Body B and the water?

19 A I didn't get any farther down, sir, but right around
20 the surrounding area just by looking, it was about
21 the same.

22 Q Okay, and when you refer to "the same," you mean,
23 wooded?

24 A Yes, sir.

25 Q Okay, and how far was Body A from the water?

2

1 A Just about three feet further than B. They were
2 laying just about like --

3 Q They were about three feet apart?

4 A No, sir, they were more than three feet apart. I
5 am just saying that this was offset a little bit,
6 you know, just up the hill up the way a little bit
7 more.

8 Q Okay, could you -- when you stood and where Body A
9 was, could you see where Body B was?

10 A Yes, sir.

11 Q Okay, and likewise, could you see where Kenneth
12 Franks was?

13 A If I moved my car out of the way, yes, sir.

14 Q From Body A?

15 A Yes, sir.

16 Q How about Body B?

17 A It would be a little dense.

18 Q Okay, so from Body B to where Kenneth Franks was
19 found, it would be difficult to see because of the
20 terrain?

21 A Not the terrain, just the trees, yes, sir.

22 Q All right, thank you. Now, how far off the road
23 was Body A found?

24 A Sir, I am going to say about 10 feet.

25 Q Okay, was there anything between her body and the road?

12

1 A Just patches of little grass and stuff and the
2 trees, you know.

3 Q Okay, same as, referring to Body B?

4 A The same way, yes, sir.

5 Q Okay, what was -- I think, you said earlier about
6 22 feet off the road?

7 A I am going to say that she was about 20 or 22 foot
8 off the road, yes, sir. I didn't -- like I say, I
9 didn't have a -- I am just -- remember what I seen.

10 Q I know, and it has been a long time?

11 A Yes, sir.

12 Q Did you see any indications where the bodies may
13 have been dragged or moved or anything like that?

14 A No, sir.

15 Q Okay, what about in regards to Mr. Franks? Was
16 there any indication that that body had been moved
17 in that area?

18 A No, sir, I believe that, you know, once the position
19 he was in, I believe once he was there, that is --
20 you know, that is where they left him or whatever.

21 Q Okay, did you see any unusual track marks or tire
22 marks or indications maybe that somebody had been
23 stuck or anything like that in the area of any of
24 the bodies?

25 A Sir, the weather was dry.

1 Q Had it been raining previously to this?

2 A Not to my knowledge, no, sir.

3 Q All right, did you notice -- while you were there,
4 did you notice anyone cover the bodies of any of
5 the three?

6 A Yes, sir, I was milling around there, and I was
7 talking to the park's ranger, and he spoke up and
8 said, you know, said, we ought to cover the bodies,
9 and you know, I am -- dummy me, I said, well, hey,
10 I don't know, and he said, well, I have got a blanket
11 up in the truck. So I walked up there with him to
12 get it.

13 We came back, and he started to cover the lady
14 up, and this sergeant from Waco PD about that time
15 hollered at him "Don't do that. You know, just
16 knock it off."

17 Q Do you remember that sergeant's name?

18 A At first I didn't, but I do now, yes, sir.

19 Q What is it?

20 A Simons.

21 Q Okay, is he the one that took charge of the area?

22 A Yes, sir, I guess, you could say that, yes, sir.

23 Q While you were there, did you notice if any police
24 officer diagramed the positions as to where the
25 bodies were found?

1 A Sir, I believe that came after I left, as much as
2 I can remember, okay?

3 Q And you indicated that the news media got there before
4 the sheriff?

5 A Yes, sir.

6 Q Or I mean, were they there right after you got there,
7 or were there any other officers intervening the
8 news media?

9 A I was the only officer there. They came in pretty
10 quick.

11 Q Did they disturb the scene, in any way?

12 A No, sir, all they done was park their car out up
13 this road that goes back up in here and out in the
14 clearing a little bit and walked down through there
15 with a camera.

16 When I was, you know, standing there talking
17 on the radio, again, well, they came up, and I saw
18 them, and they hadn't been there but just like a
19 couple of minutes, and here comes the Sheriff's
20 Department, and they dispatched them off.

21 Q Are there any other entrances to Speegleville Park
22 other than the one that you have described?

23 A Well, they did get in ways at different times.
24 You know, they would break a fence down or something
25 like this, but most of it, all the way around, it was

1 fenced in out around the road, you know.

2 It would be -- I would say it wouldn't be
3 impassable, but I guess, you could do it with a
4 little work, you know.

5 Q But for the average person going to Speegleville
6 Park, there is mainly one entrance, and that is
7 through that gate?

8 A Yes, sir.

9 MR. VANCE: May I approach the
10 witness?

11 THE COURT: Yes, sir.

12 (Whereupon instrument was marked
13 (for identification as
(Defendant's Exhibit No. 5.

14 Q Constable Thorp, I will show you what has been marked
15 as Defendant's Exhibit No. 4.

16 Is this a fairly true and accurate drawing
17 of the testimony that you responded to my questioning
18 here today as to the descriptions as -- and I know
19 it is not to scale and it is a very rough drawing,
20 but as to the position where you found the bodies
21 in conjunction to where the water is and the gate
22 and what is dirt roads and what is paved roads?

23 A Yes, sir.

24 Q Is there anything that you would want to change
25 regarding this exhibit?

1 A Well, just -- other than this road right in here,
 2 this went on down to the water. Other than that,
 3 that is it.

4 MR. VANCE: Okay, at this time,
 5 we would offer what has been marked Defendant's
 6 Exhibit No. 5.

7 MR. BUTLER: No objection,
 8 Your Honor.

9 THE COURT: It will be admitted.
 10 (Defendant's Exhibit No. 5 was
 11 (then admitted into evidence.

12 Q You mentioned about fences being cut. How often --
 13 was there a problem out at Speegleville Park with
 14 people cutting the fences and entering the park?

15 A No, what I am saying by that was, I meant that they
 16 could get in that way, if that is the way they
 17 wanted to.

18 Sometimes, you have motor bikes that come in
 19 and slide them under, you know, and stuff like that.

20 Q You had never witnessed any cuts in the fence?

21 A No, sir, I really -- that really wasn't my job.

22 Q Okay, what was the normal hours that that gate was
 23 open and shut?

24 A I believe, sir, from 6:00 or 7:00 o'clock in the
 25 morning until about 11:00 o'clock at night, sir.

12

1 Q Okay, and in July 13th and 14th of 1982, was there
2 someone residing in that trailer?

3 A Yes, sir.

4 Q And do you know who that was?

5 A Not at the time, no, sir. I really don't.

6 Q And do you know by whom he was employed or what
7 his position was?

8 A The Corps. He was -- they are always employed by
9 the Corps of Engineers.

10 Q Okay, and was his title like the park ranger?

11 A No, sir, just the gate security right there at
12 the gate, you know, opening and shutting the gate
13 and letting people in and out.

14 Q Okay, and would you describe that gate for us?

15 A Well, sir, it is just a pole gate, a big iron pole
16 gate that is open in the middle, and it goes back on
17 both sides and then you go back up and it closes up
18 and then you slide a bar in it, and it padlocks.

19 Q Okay, what is on either side of that gate?

20 A Nothing but open ground, sir, with a fence.

21 Q There is a fence there?

22 A Yes, sir.

23 Q And so it would be easily -- is it something that
24 you could easily go around this gate?

25 A No, sir.

1 Q It is pretty secure?

2 A Yes, sir.

3 Q And is there lighting there at that particular

4 gate?

5 A What you call lighting, yes, sir. There is a light

6 there. I don't know if it was a night light or not,

7 but there was light enough from the trailer that

8 you could see to even get the key out and open it,

9 you know, with your headlights on. You could open

10 the gate very easily.

11 Q Well, if you were working at the marina, how would

12 you get out of that park after 11:00 p.m. at night?

13 A I have a key.

14 Q Okay, how many other people would have a key?

15 A All I know is that just the -- a few of them that

16 own barges down there had keys.

17 Q Do you know if the media was taking any pictures

18 while they were there on the scene?

19 A I am sure they were.

20 Q Do you recall which particular news channel there

21 was?

22 A 10.

23 Q Channel 10?

24 A Yes, sir.

25 Q Do you know if they took film of any of the bodies?

1 A Not of the ladies, not while I was there, but just
2 Mr. Franks.

3 Q All right, what is the total acreage of Speegleville
4 Park?

5 A The whole conglomeration, I don't know, but just
6 where I was at, it was about, oh, roughly that I
7 patrolled would be about between 18 and 30 acres
8 is all.

9 Q Are you talking about the marina area or the entire --

10 A Yes, sir, just the marina area. I don't know about
11 the other. That wasn't my duties up there, okay?

12 Q You wouldn't hazard to guess how large that park is?

13 A No, sir, I wouldn't.

14 Q In observing Mr. Franks' body, did you see anything
15 unusual around it?

16 A Well, just had some, you know, flies and --

17 Q Other than his body. I mean, any other objects around
18 it?

19 A No, sir.

20 MR. VANCE: I pass the witness.

21 MR. BUTLER: Judge, we pass this
22 witness.

23 THE COURT: All right, may he
24 be excused, gentlemen?

25 MR. BUTLER: We have no objection,

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Your Honor.

MR. VANCE: We have none,

Your Honor.

THE COURT: All right,

Constable Thorp, you are excused, sir, thank you.

(Witness excused.)

MR. BUTLER: Dan Weyenberg.

D A N W E Y E N B E R G, called as a witness
on behalf of the State, having been duly sworn,
testified as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. BUTLER:

Q Would you state your name for the jury, please?

A I am Dan Weyenberg.

Q And how are you employed, sir?

A I am employed as Chief Deputy with the McLennan
County Sheriff's Department in Waco.

Q How long have you been so employed?

A Approximately, 14 years.

Q And were you employed in that capacity during the
summer of June -- of 1982?

A Yes, sir, I was.

Q Specifically, what were your duties, at that time?

A To oversee the operation of McLennan County Sheriff's
Department under the direction of Sheriff Jack Harwell.