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NO. 13,890-B

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2	THE STATE OF TEXAS	X	IN THE DISTRICT COURT OF
3	VS.	X	TOM GREEN COUNTY, TEXAS
4	HENRY LEE LUCAS	X	119TH JUDICIAL DISTRICT

STATEMENT OF FACTS

Before the Hon. John R. Carter, Judge Presiding.

April 10, 1984

VOLUME XVII OF XXXI-A VOLUMES

MAR 21 1986

APPEARANCES:

MR. EDWARD J. WALSH, III, District Attorney, Williamson County Courthouse, Georgetown, Texas 78626

MR. KEN ANDERSON, Assistant District Attorney, Williamson County Courthouse, Georgetown, Texas 78626

FOR THE STATE

MR. DON HIGGINBOTHAM, Attorney at Law, 809 Main Street, Georgetown, Texas 78626

MR. PARKER McCOLLOUGH, Attorney at Law, 1107 Main Street, Georgetown, Texas 78626

MR. MAX PARKER, Webb, Stokes, Sparks, Parker & Junell, P. O. Box 1271, San Angelo, Texas

FOR THE DEFENDANT

BE IT REMEMBERED that on the 10th day of April, 1984, the above captioned and numbered cause came on for TRIAL, whereupon the following proceedings were had, to wit:

ORIGINAL



I N D E X

APRIL 10, 1984

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PROCEEDINGS 787

REBUTTAL PRESENTATION BY THE STATE:

KENNETH EMERY

Direct Examination by Mr. Anderson 787
Cross-Examination by Mr. McCollough 792

CLAY GRIFFITH, M.D.

Direct Examination by Mr. Walsh 799
Cross-Examination by Mr. Higginbotham 827
Redirect Examination by Mr. Walsh 838
Recross-Examination by Mr. Higginbotham 848
Further Redirect Examination by Mr. Walsh 852
Further Recross Examination
by Mr. Higginbotham 853
Further Redirect Examination by Mr. Walsh 854

RICHARD COONS, M.D.

Direct Examination by Mr. Walsh 855
Cross-Examination by Mr. Higginbotham 876
Redirect Examination by Mr. Walsh 880
Recross-Examination by Mr. Higginbotham 883
Further Redirect Examination by Mr. Walsh 884

JIM BOUTWELL

Direct Examination by Mr. Walsh 887
Voir Dire Examination by Mr. Parker 906
Direct Examination (Cont'd) by Mr. Walsh 907
Voir Dire Examination by Mr. Parker 908
Direct Examination (Cont'd) by Mr. Walsh 913

DEFENSE'S VOIR DIRE WITNESS:

SUE BRAMHALL

Direct Examination by Mr. Parker 915
Cross-Examination by Mr. Walsh 918

1 REBUTTAL PRESENTATION ON BEHALF OF STATE (CONTINUED)
2 JIM BOUTWELL (RECALLED)

3 Direct Examination by Mr. Walsh 919
4 Cross-Examination by Mr. Parker 931
5 Redirect Examination by Mr. Walsh 938

6 MACK CAULDER

7 Direct Examination by Mr. Anderson 950
8 Cross-Examination by Mr. McCollough 951

9 State closes 953

10 REBUTTAL PRESENTATION ON BEHALF OF DEFENSE:

11 KENNETH EMERY

12 Direct Examination by Mr. McCollough 955
13 Cross-Examination by Mr. Anderson 957
14 Redirect Examination by Mr. McCollough 958
15 Recross-Examination by Mr. Anderson 958
16 Further Redirect Examination 959
17 by Mr. McCollough

18 Defense closes 960

19 EVENING RECESS 963
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E X H I B I T I N D E X

APRIL 10, 1984

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STATE'S EXHIBIT:	MRK'D	ID'D	OFF'D	ADM	SHOWN
97 edited Exhibit 91	888	888	920	921	Vol. XXXII
98 12-30-83 videotape	891	892			Vol. XXXII
99 edited Exhibit 98	891	892			Vol. XXXII
100 edited Exhibit 98	896	896	926	926	Vol. XXXII
101 2-16-84 videotape	902	928			Vol. XXXII
102 edited Exhibit 101	902	928	930	930	Vol. XXXII
103 work record photocopies	939	939	940	940	Vol. XXXII

PROCEEDINGS, APRIL 10, 1984Morning Session

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(The jury was seated in
the courtroom, and the
following proceedings
were had:)

THE COURT: Are you ready to start, Mr.
Walsh?

MR. WALSH: Yes, sir, we are ready.

THE COURT: All right, Mr. Walsh, call
your first witness.

MR. WALSH: Kenneth Emery.

KENNETH EMERY

was called as a rebuttal witness by the State and,
being first duly sworn, was examined and testified
on his oath as follows:

DIRECT EXAMINATION

BY MR. ANDERSON:

Q Would you state your name?

A Kenneth Allan Emery.