

Broadcast Three, ¶ 9: The reported information on case dispositions was obtained from court records. Duncan Aff. ¶ 53.

[9] Often a driver is arrested for DWI while on probation for another DWI conviction. Terms of the probation are violated but seldom is the probation revoked and the defendant required to serve time in jail in McLennan County.

Duncan fails to specify which court records he obtained this information from.

How can the "fair account" privilege apply to this blanket statement when Defendants have offered no proof of the records upon which they allegedly relied?

The 68-year-old was named Mildred C. Smith. I obtained the information in this report from the court records of Ms. Smith's case and the Offense Report maintained by the Waco police department. A true and correct copy of the public records on which I relied is attached hereto as Exhibit 33. The pregnant woman was named Sandra Faye Bateman. I obtained the information in this report from the court records of Ms. Bateman's case and the Offense Report maintained by the Waco police department. A true and correct copy of the public records on which I relied is attached hereto as Exhibit 34.

53. I further report in Part 3,

"Often a driver is arrested for DWI while on probation for another DWI conviction. Terms of the probation are violated but seldom is the probation revoked and the defendant required to serve time in jail in McLennan County."

This information came from my review of McLennan County court records.

54. At the end of the broadcast, I introduce the next installment in the series by stating:

Tomorrow, state liquor control agents' complaints about McLennan County which they say has the worst prosecution record in Texas.

As I will describe in detail when discussing the next installment in the series, this brief introduction refers to the opinion of Texas Alcoholic Beverage Commission ("TABC") officers, including