

McLENNAN COUNTY GRAND JURY

MARCH TERM, 1985

SCANNED

IN THE MATTER OF THE INVESTIGATION OF HENRY LEE LUCAS

TESTIMONY OF CHRIS PIAZZA

BE IT REMEMBERED THAT on the 6th day of May, A.D., 1985, at 2:00 p.m., in the McLennan County Courthouse, Waco, Texas, the McLennan County Grand Jury, March Term convened, there being 11 Grand Jurors present, at which time the following proceedings were had and adduced as hereinafter set forth:

APPEARANCES:

HON. VIC FEAZELL
District Attorney
Courthouse
Waco, Texas

HON. NED BUTLER
Assistant District Atty.
Courthouse
Waco, Texas

ALSO PRESENT: Lloyd King

1 MR. FEAZELL: Would you, Chris Piazza and Lloyd King
2 stand up and raise your right hand. Do you solemnly
3 swear that you will not divulge either by words or
4 signs, any matter about which you may be interrogated,
5 and that you will keep all proceedings of the Grand Jury
6 which may be had in your presence, secret, so help you
7 God?

8 MR. PIAZZA: I do.

9 MR. KING: I do.

10 MR. PIAZZA: This would all be humorous if I didn't
11 have a murderer that was about to go free. Back a
12 couple of years ago, November 6th of '81, we convicted
13 a man named Scotty Scott, of robbing and killing a lady
14 in a convenience store off of Interstate 30 in Little
15 Rock. She was shot several times with a .22 and
16 robbed. This young man was a State Trooper's son, nice
17 looking kid, and didn't fit the stereo type of what
18 some people might think an aggravated robber and
19 murderer would be. We tried him twice. The first time
20 the jury was hung eleven to one. The second time they
21 voted to convict him on the first vote, and decided that
22 was too fast, so they spent six hours trying to think of
23 ways to get him off, and they couldn't do it, and they
24 eventually convicted him. It was on appeal when Henry
25 Lucas came in and said I did that one too. When he said

1 that, we had a Judge that granted him a new trial, and
2 I have appealed that order, and it's in the Arkansas
3 Supreme Court right now, and I have taken a statement from
4 Henry Lucas, and hopefully we will go back, and reopen
5 our hearing, and hopefully we will let that original
6 conviction stand, but I am just not real confident that
7 that is going to happen. To just give you a background
8 on that case, if I can, let me just show you, and it's
9 just a ludicrous situation. We had a convenience store,
10 and I will show you what our evidence was, just to show
11 you how incredible this was. We had a convenience store
12 that was a gas station that had pumps located, with
13 windows on this side, and this side, and the Interstate
14 running along here, and access road coming up and a
15 very busy cross over right here. We had a telephone on
16 a brick wall. We had two deer hunters, one deer hunter
17 in the store talking to Betty Thornton. He is waiting
18 for his partner to come pick him up. It's deer season
19 in Little Rock, or in Arkansas. It's November 6th,
20 '81. She is alive. His partner pulls up here, and they
21 get in the car, and they come around this store. They
22 see a car, a sporty blue car parked here with a young
23 man standing behind it. He's got a blue and white
24 baseball hat on, and we eventually found the hat, and
25 it belonged to Scott. They said he looked just like
Scotty Scott, and he is standing behind this car, and she

1 is alive. Our next witness is a fellow who is getting
2 off from the factory at 4:20 in the afternoon, and he
3 pulls into this pump, and pumps gas, and he is looking
4 through the windows, and he sees this young man standing
5 behind the counter. He gets five dollars worth of gas,
6 and goes to the door, and the young man comes towards
7 him. He says, I have got five dollars worth, and the
8 guy takes it. That is going to be the killer, because
9 Betty Thornton's body is lying behind this thing right
10 here. Eventually, the next day he called the police,
11 and said, I hope that young man wasn't hurt during that
12 murder I saw, and they said, what young man, and he said,
13 the man I gave the money to, and the police went out and
14 got a description, and the description was that he is
15 about six one. If you all have seen Henry well...he's
16 21 years of age, and he's about 175 pounds. He has
17 got a mustache that is reddish, and comes over the
18 corner of his mouth. He is wearing a western style
19 shirt, which just nails the defendant exactly. We
20 find the western style shirt. We also find the blue and
21 white hat in his home. He said when he got in his car
22 he drove around the building to go out, and he saw a
23 blue and white sporty car. He said it had a greyish
24 stripe down the side, with white lettering on the side,
25 which is exactly the location where the deer hunters had
seen it, and no one is there, and we have got a

1 murderer inside the store. We find Scott's car, and
2 it's that car. Our other witness was a lady that was
3 working as a meat packer, inspector, and she gets off
4 work, and she comes in here. She is pumping gas, and
5 she can see the telephone, and that is important, because
6 our defendant said that he pulled in right here, and he
7 was at the telephone making a call to his mother. No
8 one saw him there. She pumped the gas, and while she
9 was pumping, she saw a car coming from the other side
10 of the building around, and it was that blue car that is
11 the defendant, and he is a pretty cool fellow. He stops
12 right here and looks her directly in the eye, and he
13 takes his T-top off of his Transam, and he takes off and
14 drives a mile and a half, and puts it back on. So no
15 one has seen him there. So during the trial, he said
16 I was there the whole time, I was positive. She said he
17 wasn't there. We had an eye witness identification about
18 as good as you can get, plus physical articles that back
19 up the eye witness identification, that were taken out
20 of the defendant's home. We got a call from the
21 Sheriff's Department in Little Rock. The Sheriff's
22 Department in Little Rock had some people working
23 in the Department that were friends of the Defendant's
24 father. They had somehow made contact with Georgetown,
25 and somehow one of the Sheriff's men called me and said,
I think that guy down there may know something about
this murder. Somehow the information was related to

1 Henry Lucas that there was a white kid on the telephone,
2 because in his initial conversation, he said, I went to
3 this place with Ottis Toole, and his initial statement
4 was there was a white guy on the phone. How would he
5 know that. He said when he was parked here, and driving
6 a white Vista Cruiser cut off stationwagon, he sold the
7 white Vista Cruiser six months in Del Rio, before this
8 crime occurred. This lady doesn't see any of this.
9 His initial statement was that he and Ottis Toole robbed
10 a black guy standing here at the door. He has got the
11 bare facts. He knows there is a white kid on the phone.
12 He knows our main witness is a black guy that comes to
13 the door. He said they robbed him, and they robbed him
14 of five dollars, which is exactly the amount the guy gave
15 to the Attendant. Then he says, the first statement was
16 I shot her with a .38. We know it was a .22. You pin
17 him down, and he says well, it could have been a .22
18 Ruger, and ballistics show that a Ruger has six grooves,
19 and this one has eight grooves, and it is not a Ruger.
20 Then he says well, the .22 I used here, I used in Austin,
21 Texas on two people, and we brought our bullets down
22 to Texas, and the State Crime Lab says they don't match.
23 He says it is eleven thirty at night, and he's positive
24 he had to turn his lights on. We know it was 4:20
25 in the afternoon. He is wrong on every fact, but he
has the core facts down that matched the defendant's
alibi, telephone, robbed the black guy, white guy on
the telephone. We found a card in his billfold showing

1 that on November 6th, 1981, was the effective day on
2 some insurance. We sent some folks from the Little
3 Rock Police Department down to Jacksonville, Florida,
4 and found on November 6th of '81, he bought an insurance
5 policy for twenty five dollars from a guy named Pappay,
6 who owns Gator Insurance in Jacksonville, Florida,
7 twenty five dollars being the minimum policy that you
8 can buy before you can get your license there in
9 Florida. We also found that on November 6th, he got
10 his car license in Jacksonville, Florida, green
11 Chevrolet, Licensed to Henry Lee Lucas, using a minimum
12 liability policy. We brought both of those people back
13 to Little Rock, and they both testified, one to prove
14 that that license was purchased in the name of Henry
15 Lucas. Mr. Pappay said I remember that guy. He was
16 in the neighborhood. He was a strange looking bird.
17 He came in and bought Insurance. He has a copy of the
18 receipt dated November 6th of '81. He also has a
19 binder in chronological order that the State of Florida
20 requires an insurance agent to keep, so that he can't
21 have a collison today and next day come back in to
22 your insurance agent and get a policy, so it is in
23 chronological order on November 6th, and the second
24 transaction conducted was Henry Lee Lucas purchasing
25 insurance. So we can just absolutely put him in
another State, and we can show the facts that he is
telling us don't fit the facts that we have, and we
know that everything he has told us about this crime

1 as far as type of weapon, is inconsistent with what
2 we have. I know you all have a purpose in this Grand
3 Jury, and my interest in this, of course, is we are
4 going to have a murderer go free in Little Rock, because
5 of Henry Lee Lucas. As far as the involvement of law
6 enforcement, I think a lot of this case is probably
7 our local law enforcement. There are some people there
8 who are very eager to help out this Policeman's son,
9 and you know, I am not exactly sure at this time who
10 is responsible for it, but I know there has been some
11 involvement, and Lucas has some involvement, but I
12 know there was a lot of interest, and that is what we
13 are going to be looking into when we go back to get our
14 conviction affirmed, and second to see who was involved
15 in this. That is kind of the background of why I am
16 here, and if you have got any questions, I will be glad
17 to try and answer them.

18 QUESTIONS BY MR. FEAZELL:

- 19 Q. I have got one first, and that is, tell the Grand Jury
20 about any contact you have had with Bob Prince, or
21 members of the task force, or any prior contact you have
22 had before today with Henry Lucas?
- 23 A. Well, my first contact with the task force, and of
24 course, we were horrified, this case represented, I
25 thought, a big case for us, because we had several things
that were there. One, we had a State Troopers son that

1 committed a Murder that the local police in Little
2 Rock didn't think we would work, because there was an
3 Officer's son involved, and in addition we had a young
4 white nice looking kid, and he had your black factory
5 worker coming off nailing him on an eye witness
6 identification. We kind of felt it was important that
7 we take that case to a jury, and we felt that that
8 conviction stood for a lot of things that our criminal
9 justice system was important to us about. So when I
10 found out that Henry Lucas had made this statement, I
11 tried to contact the folks at the task force, and what
12 I wanted to know is, what cases Henry confessed to, that
13 were unfounded, where investigators came down and he said
14 yes, I did this, and went back home, and turned out that
15 he wasn't telling the truth, and they didn't have any
16 record of any of those cases, so we were kind of stuck
17 from the standpoint that we had to take what he said,
18 and then try to destroy it personally with any
19 involvement he may have had elsewhere on that time
20 period. We were lucky enough to come up with our date.
21 Now, I didn't have any contact with Bob Prince, or
22 anybody else until Henry Lee Lucas was brought back
23 to the County Jail in Little Rock. Lloyd King and I
24 went out there the night before he was scheduled to
25 testify for the defense on this hearing for a new trial.
We asked Mr. Prince if we could see Henry Lucas, and I
think he made some statement that he didn't want to see
us unless the defense attorney was there, and we kind of

1 insisted to speak to Mr. Lucas, and we went down into
2 the jail with Mr. Prince, with members of the Sheriff's
3 Department, and Mr. Lucas told us at that point that he
4 would not talk to us, unless the defense attorney for
5 Scott was present. Lucas has told me today under oath
6 downstairs, and I video taped it, that one of our local
7 police officers told him it was best that I not talk to
8 him before that hearing, because I might do something
9 to surprise him, or trick him, so we kind of felt that
10 he was shielded from us there right before that hearing.
11 I never had any conversation with Prince after that, that
12 I can recall.

13 Q. What was the nature of the conversation with Prince?

14 A. Merely the fact that we wanted to speak to Lucas, and
15 he said, I don't think Lucas wants to speak to you,
16 and then we did go down with him, and Lucas was the one
17 that did all the talking, so we had a very limited
18 discussion with Lucas at that point, or with Prince.

18 GRAND JUROR: I have got a question. Isn't it unusual,
19 or by what authority could the defense attorney bring
20 Lucas to Arkansas?

21 A. Well, they were allowed to go to Georgetown and
22 video tape Lucas in the jail.

22 GRAND JUROR: I mean I don't understand the procedure.

23 A. Well, I don't know. Someone with Georgetown allowed
24 them to be there to take a video statement, a very
25 self serving statement, and then they got authority from

1 the Arkansas Supreme Court to open up the case, and
2 then a circuit Judge in Little Rock, ordered Lucas to
3 come back to Arkansas to testify, so the defense attorneys
4 prepared that Order.

5 GRAND JUROR: Well, the question I have got, I mean I
6 am confused, did the DPS or whatever you call them in
7 Arkansas accompany the defense attorney, or did he go
8 by himself?

9 A. When he went down to take his statement from Henry
10 Lucas, he was accompanied only by his private investigator.

11 GRAND JUROR: No law enforcement officers or anything?

12 A. No. The only person I think that was present during
13 that statement was Bob Prince, there at Georgetown.

14 Now, they sent...the Arkansas State Police sent a police
15 plane to pick him up to bring him back to Arkansas.

16 GRAND JUROR: But that was after the defense Attorney and
17 his investigator were there?

18 A. Right.

19 GRAND JUROR: Isn't that unusual, I am asking?

20 MR. FEAZELL: I think it's unusual.

21 A. It's unusual for us from the standpoint that this
22 happened. It's not unusual to have defendants in jail
23 want to take a rap for someone else. We confront that
24 problem daily in Plaskey County where someone in the
25 penitentiary says I did that crime, he didn't, and
generally when you bring them out of the penitentiary,
and put them on the witness stand, and swear them in,
they say no, I really didn't do that.

1 MR. FEAZELL: What I think is unusual is that the
2 Governor's Homicide Task Force was set up, by their
3 own words to make Henry Lee Lucas available to law
4 enforcement.

5 GRAND JUROR: That is the reason I was asking the
6 question.

7 MR. FEAZELL: And here we have them making Henry Lee
8 Lucas available to defense attorneys.

9 GRAND JUROR: That is the reason I asked the question.

10 GRAND JUROR: Who picked up the cost of the plane?

11 A. Well, the defendant's father picked up the cost of
12 the flight back, and then Lucas told me just a minute ago
13 that the defendant's father thanked him after the hearing,
14 for taking this thing.

15 GRAND JUROR: What is Lucas saying now?

16 A. Lucas now says that he apologizes, that he really
17 didn't commit that crime. He actually got his insurance
18 policy on November 6th, and he was down there, and he
19 knew Mr. Pappay, and he had made up this story. That
20 he really didn't want to come back, that Sister Clemmie
21 had interceded on behalf of Prince and Boutwell, and
22 that Sister Clemmie said he would go up there and
23 straighten that matter up.

24 GRAND JUROR: Are any of your witnesses known liars,
25 any of the people that placed the kid there?

A. No, in fact, Odis Grundy, this black fellow who
identified him was one of the strongest eye witnesses
I have ever had. He said the western style shirt had

1 checks, big checks and little squares, and for the
2 defense attorney he drew a picture, and they were kind
3 of diamond shaped, like this, and the defense attorney
4 pulled the shirt out of the sack, and said ah, look here,
5 there are big squares that interceded like this, to
6 make this diamond pattern down the shirt, and it was
7 uncanny, and I knew he hadn't been coached, because I
8 had the case, and Odis Grundy worked at Orbit Valve
9 which manufacture parts, and his job is to take a
10 particular part down into the line, and if he makes a
11 mistake he loses his job, and he is a stickler for detail,
12 and he gave one of the best statements I have ever seen.

13 GRAND JUROR: This is the case of your credible
14 witnesses, the...one man a liar, against credible
15 witnesses?

16 A. What really has hurt is that the standard that the
17 Court used in Arkansas which we are trying to attack
18 right now is that on newly discovered evidence, the
19 Judge said she recognized Henry Lucas had inconsistencies,
20 and was not very credible, but that if the evidence might
21 have resulted in a different verdict, then she would have
22 to give him a new trial. So almost anything might have
23 resulted in a different verdict. We are trying to get
24 the Court to say that there should be a probability of
25 an acquittal, and when you have that level of proof,
Henry Lucas doesn't rise to that. That is part of the
danger of Henry Lucas, if he can go all over the
country and start taking cases for convicted felons, then

1 he could get new trials for them. In our case, the
2 publicity on Henry Lucas was so great, you know, a
3 mass murderer comes in and confessed, and poor old
4 Scotty didn't do it, and we knew he didn't do it all
5 along. Taking him to trial was like attacking apple
6 pie and mama, and God, the foundation of our Society.

GRAND JUROR: Did you go for the death penalty?

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8 A. No, we made a decision to go for first degree murder,
9 because we felt that our case was such, if we put the
10 death penalty up as an issue, that we might not get a
11 conviction.

GRAND JUROR: Since this might come up for a new trial,
12 can you go for whatever you want this time, or do you
13 have to go for the same thing?

14 A. In Arkansas, it is strange. We have capital murder
15 and first degree murder. First degree murder carries
16 ten to 40 or life. We got thirty something years the
17 first time, so he would be exposed to a life sentence
18 the second time. My feeling is that it would be hard
19 to convict him because of the pretrial publicity with
20 Henry Lee Lucas.

GRAND JUROR: You never did find the weapon in this case?

21 A. No.

22 MR. BUTLER: If it were in a Texas Court, the maximum
23 he could ever face again would be the maximum he got in
24 the previous trial.

GRAND JUROR: Where is Scott Scott now, is he on bond?

25 A. He's on bond.

1 GRAND JUROR: Did he have any type of prior record at
2 all?

3 A. No, that's what made the case difficult.

4 GRAND JUROR: Is his father still a Trooper?

5 A. His father was a retired Trooper when this happened.

6 GRAND JUROR: What leads did you have to go to him to
7 start with?

8 A. Well, the lady who was the last one on the parking
9 lot saw his car, and she found the body. She called the
10 police, and said I saw this kid in this particular type
11 of Trans Am. He was stopped by a law enforcement officer
12 about an hour and a half later. They took him down and
13 took a picture of him, and asked him if he had been on
14 that lot. He said he had, but what he said was, I was
15 using that telephone, and so he locked himself into
16 being on the parking lot, and that's when Mr. Grundy
17 called the next day, and gave a description, and they
18 realized that description fit, so when Grundy gave his
19 description they placed the photos spread out using
20 the picture they had taken the night before, and he
21 immediately identified Scott. They ran him through a
22 live lineup, and he identified Scott. They did a search
23 warrant on Scott's house, and they found the Western
24 style shirt that this fellow identified as being the one
25 he wore.

23 GRAND JUROR: How old was Scott when this happened?

24 A. He was 21 or 22.

25 GRAND JUROR: Did he get money?

1 A. There was money taken from the store. I am not
2 exactly sure, but I think, if I remember, it was around
3 a hundred and eighty dollars. She just made a drop off
4 to one of the runners to take some money to the bank.

5 GRAND JUROR: How many times was she shot?

6 A. You will have to pardon me, because it has been a while.
7 I think she was shot three times. It's been a while
8 since I have gone over the facts. The thing that makes
9 Henry Lucas so incredible is that there was only one
10 person in the store, and that's Scott, and he has got
11 Ottis Toole and himself coming out in his first statement,
12 side by side, with their smoking guns, robbing this
13 person at gunpoint, and when that didn't fit with the
14 facts, then he has got Toole coming out by himself,
15 meeting Scott. At first he didn't know what brand of
16 station, then it is a Gulf Station. At first he didn't
17 know how much money, and in the second statement it is
18 five dollars. He told me today that one of the local
19 officers from Little Rock was down there, and was having
20 conversations with him, which were not on tape, before
21 he made his taped statement, and that is where he got his
22 information.

23 GRAND JUROR: From Little Rock Police?

24 A. Yes.

25 GRAND JUROR: Aren't police organizations at all levels
pretty close knit organizations in a situation like
this?

A. In our situation it wasn't, because our Little Rock

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Officers thought that because there was a State Trooper's son involved, that our local city policemen were really skeptical that there would be a proper prosecution, and then a fellow that worked in the Sheriff's Department was one of the best friends of Scott's, so they were kind of pulling for Scott. In fact, his wife accompanied Scott's mother throughout the entire trial. They were very close.

GRAND JUROR: I guess what I am trying to say is, don't they protect each other?

MR. FEAZELL: It's very individual. It's hard to say.

A. In this case they almost came to blows, different agencies over this case.

GRAND JUROR: Who did you say had fed the information to him?

A. Best we can tell it was an officer from the Sheriff's Department, but we are not exactly sure. It was either the Sheriff or the State Police.

GRAND JUROR: But not local?

A. Not local.

GRAND JUROR: There wouldn't be a record in Georgetown of who interviewed him at that time?

MR. FEAZELL: There should be. Those are the records that I hope will be available to us.

MR. BUTLER: Primary jurisdiction County or City?

A. In this case it was City.

MR. BUTLER: But the Sheriff's office is the one that came in after the fact?

1 A. They came in after the fact, and the thing that really
2 bothered me was Lucas is standing here confessing.
3 Why call him and ask him about a particular fact
4 situation. When we had this case, one of our Lieutenants
5 there testified, and I asked him under oath, when you
6 called Henry Lucas, did you ask him if there was a white
7 guy on the telephone. Yes. Did you ask him if there
8 was a black guy that they robbed. Yes. So already
9 Henry has been given the core facts, and if you don't
10 know what you are dealing with, then you have already
11 let your case slip out.

12 GRAND JUROR: What was the object in calling Lucas in
13 the first place. Did he have anything in all of these
14 confessions that would place him anywhere near that area?

15 A. No.

16 MR. FEAZELL: Chris, tell them about the video tapes.

17 A. We have got that before the Supreme Court right now.
18 The First time I sent one of my Deputies down was
19 the local police, and we didn't bring pictures, because
20 we were skeptical. We let Henry tell us what he knew
21 about the case, which was nothing. 38 calibre, armed
22 robbery. He had nothing right. Then our State Police
23 Officers prepared four video tapes of Gulf Stations.
24 When they went down to take those to Henry, they first
25 had a layout of the place by still photographs.

MR. FEAZELL: What you had first was a phone call from
the Sheriff's Deputy to Henry. Then the visit by
your local police, right?

1 A. Right.

2 MR. FEAZELL: Then the State Police went down?

3 A. And you have got still photographs of the location.

4 Then they run four films, and this procedure is video
5 taped, and the first three are not the proper station,
6 and he doesn't identify them, and before the last one
7 is shown the State Police officer is in the room and
8 says Henry, you haven't done it yet, we have one more to
9 show you, and if you can't pick it out now we are going
10 to have to go home. I used to do that with my brother
11 and sister with the old maid card, and move it a little
12 higher and move it around, so they would pick it. So
13 naturally he says, well, that is it. He told us today,
14 and he's very alert. He started going back through the
15 pictures that he had seen of this victim six months ago,
16 and going into detail about the way her shirt looked,
17 the way her money box, and he remembered everything from
18 those photographs. He said he could remember the drive
19 up, the access off of the freeway to the store, and
20 that when he was driven back by there by Bob Prince,
21 and by one of the Deputies from the Sheriff's Department,
22 at Little Rock, then he saw the Gulf Station, and he
23 saw the sign that said I-30 and Scott Hamilton Drive,
24 which was the location, and he said I think it's up
25 there, and when they drove up that is exactly the way
this thing looked on video, and so therefore he found
the thing by accident, and picked it out as the location.

Q. So what you have is the phone call from the Sheriff

1 Deputy, and then the visit by the local police, and
2 didn't know anything, and then the visit by the State
3 Police with the pictures, and the video tape, and then
4 the visit from the defense attorney and his investigators,
5 is that right?

6 A. Right.

7 Q. And then he was brought to Arkansas?

8 A. Right.

9 MR. FEAZELL: Any more questions for Mr. Piazza?

10 GRAND JUROR: Well, I just wonder, your man is out on
11 bail now because Lucas confessed to this. Now, Lucas
12 is saying he didn't do it. That doesn't mean a thing.
13 You have to go back through the trial again?

14 A. Well, I have got to go back and see if they will
15 reopen the initial hearing, and if they do, try to
16 interject this evidence into it, and see if that will
17 have an effect on the Judge, and if it doesn't then I
18 am going to retry it.

19 MR. FEAZELL: If you can reopen the initial hearing,
20 and have their prior finding reversed, then your first
21 conviction stands?

22 A. Right.

23 GRAND JUROR: How do you rate your popularity at this
24 point in Little Rock?

25 A. See, I was in an unique position on this thing, although
there was great public sentiment for the Scott boy,
obviously. He was everybody's mold of what a young man
should look like. Henry Lucas, when he came up was such

1 a novelty, that one of the local radio stations ran
2 my cross examination live, and so many people listening
3 to him realized, and it didn't take long to realize what
4 in the hell he was talking about, and so when it was
5 over with, there was great support that Lucas was a
6 liar, by everybody but the Judge.

7 GRAND JUROR: You just got back from interviewing Lucas?

8 A. Yes.

9 GRAND JUROR: Did you ask him why he changed his mind
10 as to going 180 degrees?

11 A. He just said he wants to get it off his shoulders,
12 that it has been nerve wracking making up all of these
13 lies to all of these murders, and now it's time to
14 tell the truth. That is basically all he told us.

15 Q. Who was in the room while you were talking to Lucas?

16 A. His Attorney, Mr. Cox, and Lloyd King.

17 GRAND JUROR: When you investigate people, not maybe
18 your department in particular. . . but other law
19 enforcement agencies, City, County or State, do you
20 think it is common practice to open files for suspects,
21 and let them look through files of the case?

22 A. No. And definitely when you start feeding facts to
23 a criminal you have ruined your case. The more facts
24 they know and have access to, it starts to cast doubt
25 upon their statement. This is especially true when
you don't have any physical facts to follow up. This
is just a bizarre situation, like we were talking
earlier. Most of your people in these cases have been

1 dead for a long time, and there is great pressure on
2 the police to get these things off the books. You
3 know that they are probably never going to go to trial,
4 because of the waiting list, and the cost, and let's
5 just go ahead and get Henry. It's almost like a
6 feeding frenzy of a group of fish, they just wanted to
7 solve these cases. The problem I had in my case was,
8 that he directly took the rap for a person who I
9 convicted.

10 GRAND JUROR: I guess you looked hard and long for
11 that murder weapon, right?

12 A. Yes.

13 GRAND JUROR: Is there one County that wouldn't take
14 any confessions, and that was Dallas County.

15 GRAND JUROR: He said they were too smart for him.

16 MR. BUTLER: There are several states that won't take
17 anything. Florida won't touch Henry Lucas. They
18 know where he was.

19 A. Good luck to you all.

20 GRAND JUROR: We hope what we do will be of help
21 to you.

22 A. I have gotten some good help today.

23 GRAND JUROR: We appreciate your stopping in and talking
24 to us.
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1 THE STATE OF TEXAS

2 COUNTY OF McLENNAN

3 I, KAY SMITH, A Certified Shorthand Reporter, and
4 Official Reporter of the 54th District Court, Waco,
5 McLennan County, Texas, having been duly sworn in as
6 Grand Jury Reporter, hereby certify that the foregoing
7 pages constitute a full, true, and correct transcript
8 of a portion of the proceedings had and testimony adduced
9 in the foregoing cause at the time and place as heretofore
10 set forth; that the questions and answers thereto by the
11 witness were taken down by me in shorthand and thereafter
12 reduced to typewriting by me.

13 WITNESS MY HAND on this the 17th day of May, A.D.,
14 1985.

15 Kay Smith, Official Reporter
16 54th District Court, Courthouse
17 Waco, Texas, 76708, phone 817 757-5051
18 Certificate No. 116, expiration date
19 12-31-86
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