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VOLUME 48 of 57 VOLUMES

TRIAL ON GUILT/INNOCENCE

TRIAL CAUSE NO. F97-01215-PJ

THE STATE OF TEXAS

IN THE CRIMINAL DISTRICT COURT

VS.

NO. 3

GREGORY EDWARD WRIGHT

OF DALLAS COUNTY, TEXAS

APPEARANCES:

HONORABLE GREG DAVIS	SBOT: 05493550
HONORABLE NEIL PASK	SBOT: 15556700
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ATTORNEYS FOR THE DEFENDANT.

On the 5th of December, A.D., 1997, a Capital Murder Capital Murder Jury Trial with reference to the above

-numbered cause came on to be heard before **THE HONORABLE** I
 ROBERT W. FRANCIS, Judge of Criminal District **ffim HE D [**
Dallas, Texas, and the following proceedings **of J?***
DEPUTY **BILL LONG** **^, > s o o . Tms**

DONNA HILL-WYNKOOP, RMR, CRR, RPR, CSR

214-653-5923

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P R O C E E D I N G S

9:04A 2 (Court reconvened; jury not present.)

3 THE COURT: Let the record reflect that we are
4 outside the presence of the jury.

5 There were two witnesses yesterday that the
6 State put on, a Carolyn VanWinkle and Judith Floyd, that the
7 defense had reserved their cross-examination of. It's my
8 understanding at this time, Mr. Brauchle, that you do not need
9 those witnesses present in court; is that correct?

10 MR. BRAUCHLE: That's correct.

11 THE COURT: All right. So you have no objection
12 to them being excused, or to return to their jobs, or do
13 whatever else they may have to do; is that correct?

14 MR. BRAUCHLE: That's correct.

15 THE COURT: All right. Is that fine with y'all.
16 Mr. Jordan?

17 MR. PASK: Yes,

18 THE COURT: Okay.

19 MR. BRAUCHLE: We previously told Miss Floyd
20 yesterday that.

21 THE COURT: Okay. All right. Mr. Wright, you
22 can go back in the room.

9:12A 23 (Recess taken.)

J:19A 24 (Court reconvened; jury not present.)

25 THE COURT: We're still outside the presence of

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1 the jury.

2 The defense has requested a hearing on some
3 papers that appear not to have anything to do with the witness
4 we're about to have, or the two subsequent witnesses. I
5 believe the State intends to rest at that point. The Court
6 anticipates a break will be taken then, so we will have the
7 hearing at that time.

8 Is that agreeable, Mr. Davis?

9 MR. DAVIS: Yes, Your Honor.

10 THE COURT: Mr. Johnson?

11 MR. JOHNSON: Yes, Your Honor.

12 THE COURT: All right. Is the State ready for
13 the jury?

14 MR. DAVIS: Ready, Your Honor.

15 THE COURT: Defense?

16 MR. JOHNSON: Yes, Your Honor.

17 THE COURT: Jan?

18 (Jury panel present.)

19 THE COURT: All right. You may be seated.

20 Good morning, ladies and gentlemen. Again, I
21 trust you had a pleasant evening.

21A 22 Mr. — Miss VanWinkle, let me remind you you're
23 still under oath.

24 Mr. Davis, you may proceed.

25 MR. DAVIS: Thank you, Judge.

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THEREUPON,

CAROLYN VanWINKLE

was recalled as a witness by the State, having been previously first duly sworn by the Court, was examined and testified as follows:

DIRECT EXAMINATION - CONTINUING

BY MR. DAVIS:

Q. Again, would you please state your name.

A. Carolyn VanWinkle.

Q. Okay. And, Miss VanWinkle, you're the same Carolyn VanWinkle who testified in this case yesterday; is that correct?

A. I am.

Q. I just have a couple of questions for you.

You had told us earlier about some of the DNA analysis that you performed in this case.

One additional item, did you receive an item number 40?

A. Yes.

Q. And would that be a black-handled knife?

A. It was.

Q. And did you, in fact, perform DNA analysis on that?

A. On items that were taken from the knife, yes.

Q. And were you able to match the blood found on item number 40 to one of the known samples submitted to you?

DIRECT, Cont'g., of VanWINKLE by MR. DAVIS
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1 A. Yes, I was.

2 Q. And would you please tell the members of the jury
3 which known sample that that one matched?

4 A. The type of testing that was done was the RFLP type
5 testing, the most discriminating, and scrapings taken from
6 inside the handle of the knife matched the blood sam - or the
7 oral sample taken from Donna Vick and did not match the blood
8 samples from either Gregory Wright or John Adams.

9 MR. DAVIS: May I approach, Your Honor?

10 THE COURT: You may.

11 BY MR. DAVIS:

12 Q. Miss VanWinkle, let me show you State's
13 Exhibit Number 40 and ask you whether or not that, in fact, is
14 item number 40?

15 A Yes, it is.

16 Q Okay. Is this the knife that you just testified
17 about?

18 It is.

19 Did I understand your testimony to be that the blood
20 contained on this, State's Exhibit Number 40, that you were
21 able to exclude Gregory Wright as a possible contributor for
22 that blood; is that correct?

23 A. That's correct.

24 Q. You were able to exclude John Adams as a possible
25 contributor for the blood found on this knife; is that right?

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1 A. That's correct.

2 Q. But you were not able to exclude Donna Vick; is that
3 correct?

4 A. That's correct.

5 Q. She was included as a possible contributor; is that
6 correct?

7 A. Yes.

8 Q. What were the numbers associated with her inclusion?

23A 9 A. The probability of selecting an unrelated individual
10 at random matching the DNA banding pattern that was obtained
11 from item 40 knife, as does Donna Vick's oral swab, is 1 in
12 the 940,000 Caucasians; 1 in 660,000 African-Americans; and 1
13 in 450,000 Hispanics.

14 Q. Okay.

15 MR. DAVIS: I'll pass the witness, Your Honor.

16 THE COURT: Mr. Brauchle?

17 CROSS-EXAMINATION

18 BY MR. BRAUCHLE:

19 Q. Ma'am, you were submitted a cigarette to test, were
20 you not? A cigarette butt?

21 A. Yes, that's correct.

22 Q. And that's the cigarette butt that was found in the
23 front of the car; is that correct?

24 A. That's my understanding. I don't have direct
25 knowledge of that.

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1 Q. Okay. And that came back to Mr. Adams; is that
2 correct?

24A 3 A. The types DQ alpha and polymarker that were obtained
4 on the filter end of the cigarette butt did - were consistent
5 with the types of John Adams, yes.

6 Q. Okay. And were you ever submitted a cigarette that
7 was found behind the bed?

8 A. I don't know. I don't have any knowledge of any such
9 item.

10 Q. Okay. So you just tested one cigarette, and that was
11 the one that was found in the car, right?

12 A. For the DNA testing, yes.

13 Q. Okay. You also - your lab has the ability to
14 compare manufacturers' characteristics of cigarettes; is that
15 correct?

16 A. They can be somewhat classified. It's not always. 1
17 mean, we do have a cigarette butt identification guide that
18 aids in possible interpretation, but it's again maybe not
19 always exact.

25A 20 Q. But y'all can - if it's submitted to you, you can at
21 least look at it in trying to make some comparisons or
22 contrast some - some contrasting studies and figure out if it
23 can be included or exclude sometimes, right?

24 A. We can just characterize the characteristics on the
25 cigarette butt, yes.

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1 Q. And you don't - you don't have any knowledge of that
2 having been done, other than on the one butt that you've
3 testified about.

4 A. I did not do that, no.

5 Q. Okay. Now in regard to item 40, it's your
6 understanding that there wasn't any - any blood found on
7 the - on the blade or on the outside of the handle, right?

8 A. I believe on the blade itself, we do use, in addition
9 to visual possible identification of blood stains, we do use a
10 chemical reagent that detects very weak amounts of blood, and
11 it did react weakly with our chemical reagent as blood would
12 react.

26A 13 Q. But you don't know if that was reacting to chicken
14 blood, or -

15 A. It's a presumptive test; that's correct.

16 Q. So it could be steak, or chicken, or pork chops, or
17 anything else, right?

18 A. That's correct.

19 Q. Okay. But any blood that was found on that, you
20 don't know what amount it was, was found somewhere up
21 underneath the handle?

22 A. That's correct.

23 Q. And you don't - you don't have any idea when or how
24 that blood would have gotten there, right?

25 A. Again, it was a fairly good amount of blood to be

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1 able to get an RFLP banding pattern, but, no, I have no
2 knowledge of how it got there-

3 Q. A fairly good amount to you, though, could be fairly
4 small to myself or a juror, couldn't it?

5 A. Well, yes, sir. The DNA itself was not degraded.

6 In other words, it wasn't deposited years ago and
7 stayed there, or it would have been unable to obtain the DNA
8 banding pattern that we obtained.

9 Q. But it could have been there as long as a year or
10 two, though, right?

9:27A 11 A. In my opinion, no.

12 Q. But you don't have any time estimate.

13 A. No, I do not.

14 Q. Now, then, in regard to your tests, in regard to
15 Miss Vick, you weren't actually working with her blood to do
16 these tests, were you?

17 A. We were actually submitted the autopsy blood from
18 Dr. Ross, a medical examiner. However, the autopsy blood was
19 in such poor condition, we were not able to get DNA typings
20 from that sample, so for her standard, we used the oral swab,
21 again, taken by Dr. Ross, and the vaginal swab.

9:28A 22 Q. And in regard to anything removed from under
23 either - well, under her fingernails on both hands, there
24 wasn't anything that came back to anybody other than her,
25 right?

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A. That's correct.

2 Q. In regard to that, people that have fingernails, long
3 fingernails, even short fingernails, oftentimes if they're in
4 contact with their attacker, they will pick up small fragments
5 of - of the person's skin, or hair, or whatever; is that
6 correct?

7 A. It's been my experience that although it's possible
8 to identify and do DNA on skin from a - say an assailant,
9 it's fairly rare that we do have a sufficient sample to detect
10 that.

11 Q. But that was the reason you conducted that test.

12 A. That's correct.

13 Q. And nothing came back on that.

14 A. That's correct.

9:29A 15 MR. BRAUCHLE: We'll pass the witness.

16 MR. DAVIS: No further questions, Your Honor.

17 THE COURT: Ma'am, you may step down. Any
18 reason why this witness may not be excused?

19 MR. DAVIS: No, Your Honor.

20 MR. BRAUCHLE: None, Your Honor.

21 THE COURT: Miss VanWinkle, you're free to go as
22 well.

23 The State may call its next witness.

24 MR. DAVIS: We'll call Cynthia Bailey.

25 THE COURT: Would you raise your right hand,

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1 please?

2 THEREUPON,

3 CYNTHIA BAILEY

4 was called as a witness by the State, having been first duly
5 sworn by the Court, was examined and testified as follows:

6 THE COURT: All right. Miss Bailey, if you'd
7 have a seat at the witness stand. Please speak loudly,
8 clearly, and slowly into the microphone.

9 DIRECT EXAMINATION

10 BY MR. DAVIS:

30A 11 Q. Would you please tell us your full name?

12 A. Cynthia Lacey Bailey.

13 Q. All right. Miss Bailey, how are you employed?

14 A. For the District Clerk's Office.

15 Q. Okay. And as such, have you been assigned as a -
16 okay. If you could just speak up loud enough so the last
17 jurors down here can hear you.

18 You work for the District Clerk's Office; is that
19 correct?

20 A. Yes.

21 Q. Have you been assigned to this court, to Criminal
22 District Court Number 3 of Dallas County, Texas?

23 A. Yes.

24 MR. JOHNSON: Your Honor, may we approach?

25 THE COURT: Sure.

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1 (Off-the-record bench conference was had.)

2 THE COURT: All right. Mr. Davis, you may
3 continue.

4 MR. DAVIS: Thank you.

5 BY MR. DAVIS:

6 Q. Miss Bailey, would one of your duties be to file
7 True-Bills of Indictment that have been returned by the Dallas
8 County Grand Jury?

9 A. No.

10 Q. Okay.

11 MR. DAVIS: May I approach, Your Honor?

12 THE COURT: You may.

13 BY MR. DAVIS:

14 Q. Miss Bailey, I just want to show you a document. Do
15 you recognize that to be a True Bill of Indictment?

16 A. Yes, I do.

17 Q. Okay. And is there a file stamp mark on the back?

18 A. Yes.

19 Q. And does it bear your signature as a Deputy Clerk of
20 the Court?

21 A. No.

22 Q. Okay. Whose signature is that?

23 A. It could be Joe Boggess, from the Indictment desk.

24 Q. Okay. Where would that pers - where would Joe
25 Boggess be?

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A. On the second floor of the District Clerk's Office.

2 Q. Okay. Thank you.

3 MR. DAVIS: No further questions.

4 Your Honor, I believe at this time that -

33A 5 THE COURT: Do y'all have any questions?

6 MR. JOHNSON: No.

7 THE COURT: All right. Miss Bailey, you may
8 step down.

9 Any reason why this witness may not be excused?

10 MR. JOHNSON: No reasons.

11 THE COURT: Miss Bailey, you may return to work.

12 MR. DAVIS: Your Honor, I believe at this time
13 that the state and the defense are prepared to enter into a
14 stipulation.

15 THE COURT: All right.

16 MR. DAVIS: The stipulation would be that the
17 True Bill of Indictment in this case, in Cause Number
18 F97-01215, was, in fact, returned and filed in this court on
19 April the 30th, 1997, and if called to testify, Joe Boggess,
20 who is a Deputy District Clerk with Dallas County, would
21 testify to those facts. Your Honor.

34A 22 MR. BRAUCHLE: We'll so stipulate.

23 THE COURT: All right. The stipulation will be
24 admitted into evidence for all purposes.

25 MR. DAVIS: Your Honor, at this time the State

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would call Tom Bevel.

2 This witness has not been sworn, Your Honor.

3 THE COURT: Would you raise your right hand,
4 please?

5 THEREUPON,

6 TOM BEVEL

7 was called as a witness by the State, having been first duly
8 sworn by the Court, was examined and testified as follows:

9 THE COURT: All right. You may have a seat on
10 the witness stand.

11 Sir, once you're comfortable in that chair,
12 which does not move a whole lot, if you'd pull the microphone
13 to you, I'm going to ask you to please speak loudly, clearly,
14 and slowly into that microphone.

15 Mr. Davis, you may proceed.

35A 16 MR. DAVIS: Thank you.

17 DIRECT EXAMINATION

18 BY MR. DAVIS:

19 Q. Sir, would you please tell us your full name?

20 A. Yes. Tom Bevel, spelled B-e, V as in Victor, e-l.

21 Q. What is your occupation, Mr. Bevel?

22 A. I'm the owner of a company, initials only, TBI, and
23 that's a company specializing in forensic education and
24 consulting.

25 Q. Sir, were you previously employed with the police

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1 department?

2 A. Yes, sir. I was previously employed with the
3 Oklahoma City Police Department; served 27 years.

4 The last assignment that I had with that agency was
5 commander of four units, which was the homicide, robbery,
6 missing persons, and major unsolved cases unit.

7 Q. Sir, and how many years' experience do you have in
8 what I'm going to call technical investigations?

9 A. Approximately 25 years.

10 Q. Okay. And how would you describe "technical
11 investigations"? What does that encompass?

12 A. Technical investigation primarily deals with the
13 crime scene itself, the collection, recognition, documentation
14 of the physical evidence that may be found at a crime scene.

15 The areas that I've specifically specialized in is
16 blood-stain pattern analysis, crime scene reconstruction, and
17 earlier in my career, fingerprint identification.

36A 18 Q. Do you have any degrees or certificates concerning
19 your expertise in blood - blood-stain pattern analysis?

20 A. Yes. I've had basic 40-hour course. The first one I
21 had was with the Orlando, Florida, Medical Examiner's Office
22 in conjunction with the Orlando, Florida, Police Department.

23 The next 40-hour course that I had, again on
24 blood-stain pattern analysis, was with the Century U.S.

25 Institute, police institute, and the next 40-hour course that

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1 I had was with the laboratory of forensic science in Corning,
2 New York, and then I also have an advanced graduate credits in
3 blood-stain pattern analysis, and that's through the Elmira
4 College in Elmira, New York. It was also an area of study
5 with a course that I had in Scotland Yard through the Hedon
6 Police College and, again, some other areas.

7 Q. Have you taught courses in blood-stain pattern
8 analysis?

9 A. Yes, sir, I have.

10 Q. In the United States and overseas?

11 A. Yes. Most of the students that I've had have been -
12 well, the course has been taught actually here in the U.S.
13 I've had foreign students, certainly, that have come here.
14 Those would include students from Canada, Mexico, England,
15 Taiwan, Australia, Philippines, and, again, some others.

16 Q. Okay. Have you had books and articles published
17 concerning that subject, sir?

18 A. Yes, I've had approximately 11 articles that have
19 been published. There's also a two and-a-half hour commercial
20 videotape that's on the market. I also have a hard back book
21 that came out this year that I'm a co-author of. The title of
22 it is Blood-Stain Pattern Analysis with an introduction to
23 crime scene reconstruction.

24 Q. In the past, has there been occasions when the FBI
25 has referred cases to you for your assistance?

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38A 1 A. Yes. The FBI has referred approximately 11 cases,
2 and then two additional cases that were actually for them.
3 The previous approximately eleven cases were for other
4 agencies. They were just recommending my name to those
5 agencies.

6 Q. Mr. Bevel, in this case, did I ask you to look at
7 certain pieces of evidence for blood-stain pattern analysis
8 purposes?

9 A. Yes, sir, you did.

10 Q. And did you, in fact, come to Dallas in order to do
11 that?

12 A. Yes, sir. On August the 6th I came to Dallas to look
13 at the evidence.

14 Q. Okay. And at the time that you came to Dallas, did
15 you and I go out to the Southwestern Institute of Forensic
16 Sciences so that you could actually look at some of these
17 articles?

18 A. That is correct, sir.

19 Q. Okay. Did you look at a number of pair of blue
20 jeans?

21 A. Yes, sir.

22 Q. Now let me back up just a moment. We've talked about
23 blood-stain pattern analysis. Are there some basic types of
24 blood-stain patterns?

25 A. Yes, there are. The first category you generally try

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1 and break down the blood stains into, refer to as a low,
2 medium, or high velocity.

3 Examples of those, for example, if I had a cut on the
4 end of my finger, the blood tries to adhere to the finger
5 because of the surface tension of the blood itself. Of
6 course, gravity is constantly pulling down, and once the
7 weight is sufficient for the blood droplet to overcome the
8 surface tension, then it will just simply fall straight
9 downward, and this would be an example of a low velocity.

10 If I were holding my hand above the podium here, it
11 would be basically a circle once it actually impacted.

9:40A 12 If the podium was at some sort of an angle, of
13 course, it would be elongated, as opposed to being a circle.

14 The next general category is medium velocity. If I
15 had the same hand that had blood on the end, but now instead
16 of holding the hand still, if I were -

17 MR. JOHNSON: Your Honor, - I'm sorry to
18 interrupt you, sir - but may we approach the bench?

19 THE COURT: Certainly.

20 (Off-the-record bench conference was had.)

21 THE COURT: Mr. Davis, you may continue.

22 MR. DAVIS: Thank you.

23 BY MR. DAVIS:

24 Q. Mr. Bevel, if you could please continue.

25 A. Okay. If the blood was on the end of my finger and

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instead of holding it perfectly still where gravity is going to overcome the blood droplet and fall downward, if I were to start moving my hand, this is introducing an additional force or energy to it, so the blood will come off usually in smaller sizes as opposed to just simply holding it still.

The smaller sizes typically will range, once they actually impact onto a surface, for example, if it was onto this wall, it would generally range in size from about one to four millimeters in actual size. They can be larger, depending upon the surface, or smaller, again, depending upon the surface.

Generally, medium velocity, again, has different categories such as cast-off, also spatter.

If I had my hand up here with some blood on it and then I were just simply to slap it with the other hand, this, again, is introducing an additional force, other than just simply gravitational pull.

A pretty good rule of thumb is as the force increases, the blood spatter actually becomes smaller.

The last category we generally try and break it down into is referred to as high velocity. If I had my hand up here, and if it were to be shot with a firearm, blood that would come back in the direction from where the firearm was being fired, would be referred to as back spatter.

If there were an exit on the other side of the hand,

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1 that would be referred to as forward spatter, or blood going
2 the same direction as the bullet.

3 The characteristic size, and again, there could be
4 various sizes with any one of these, but the predominant
5 stains created from a high-velocity occurrence would be one
6 millimeter in diameter or less, which, basically, we're
7 talking about a pencil point in actual size.

8 So, again, we look for the various types of the three
9 general categories, and then the subcategories below that.

10 For example, on the low velocity I didn't get into
11 some of the categories: Blood-passage runs, blood drips,
12 transfers, blood soaks, those would all fall into the category
13 of a low-velocity occurrence.

14 Q. Okay. So within the category of low velocity, we
15 have what we would term a transfer; is that correct?

16 A. That would be one of them; yes, sir.

17 Q. All right. And soak-through?

18 A. Yes, sir.

19 Q. Let's talk about transfer for a moment. What
20 would -- what would be an example of a transfer? How would
21 that occur?

22 A. If you had the -- for example, blood on my hand, if I
23 were just simply to take it to my coat and to wipe it against
24 the coat, that would be simply blood transferring from my hand
25 that was bloody, to the coat.

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43A 1 Most often you really cannot tell what the object was
2 that may have transferred it. If you can have an idea, that
3 would be referred to as a transfer pattern.

4 For example, a knife frequently is one that we run
5 across. If it has blood on it, it comes in contact with
6 another object, sometimes you're able to see the outline of
7 the -- the individual weapon itself.

8 Q. Okay. How about clothing coming into contact with an
9 open wound that's bleeding, for instance?

10 A. Yes, sir. Again, if the blood is wet, and whatever
11 the object is that comes in contact with it, likely there will
12 be a transfer from the bloody object to the clean object.

13 Q. Now the soak-through, is that different than a
14 transfer?

15 A. Generally, it is, yes. It's generally greater in
16 volume. You've got a larger blood source.

17 For example, if the blood on my hand can only,
18 basically, hold so much blood, unless you're trying to cup it,
19 which is certainly not usually what you'll find, whereas if
20 you have, for example, an open wound that is still bleeding,
21 or if you have an area where blood has pooled, a clean object
22 coming in contact with that will absorb the blood because
23 there's a greater volume there, and it typically will look
24 considerably different than just simply a transfer.

45A 25 Q. Now as we talk about medium velocity, would we be

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1 talking about terms such as cast-off, or spatter, at that
2 point?

3 A. Yes, sir. Either one of those would fall into a
4 medium velocity, or could.

5 Q. And what would be the difference in spatter versus
6 cast-off?

7 A. Okay. Cast-off will be coming off an object that is
8 bloody that is in motion.

9 For example, if I had a weapon of some sort in my
10 hand, if it was bloody because of this movement, this
11 centrifugal force pulling the blood down to the end,
12 eventually it breaks away, and it will either fall to the
13 floor, or to some surface that may be surrounding, such as a
14 wall or a ceiling, drapes covering a window, something like
15 that.

16 Spatter will actually come from an impact to the
17 actual blood source. So if I again had my hand, if there was
18 some blood on there and I were to slap it, or if you had a
19 knife and you went all the way to the hilt, again, it's
20 basically the area that's coming in contact with the blood
21 that breaks the blood up. It will go away from the - the
22 impact site and land on surrounding surfaces.

46A 23 MR. DAVIS: May I approach. Your Honor?

24 THE COURT: You may.

25 BY MR. DAVIS:

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Q. Mr. Bevel, let me show you State's Exhibit Number 33. I'd ask you whether or not you recognize State's Exhibit Number 33?

A. Yes, I do.

Q. Is this one of the pairs of blue jeans that you looked at at the Southwestern Institute of Forensic Sciences in August of this year with me?

A. That is correct.

Q. Okay. And during your examination of blue jeans, did you find several examples of blood stains on State's Exhibit 33?

A. That is correct.

Q. Now, first of all, let me ask you, you said that high velocity blood stains would be associated with gunshot wounds; is that correct?

A. That's not the only thing that could create it, but certainly one of them.

Q. All right. First of all, as you look at the stains here on State's Exhibit Number 33, did you find any evidence of any high velocity blood stains?

A. No, sir.

Q. All right. Did you find evidence of medium velocity blood stains on this garment?

A. Yes, sir.

Q. Okay. Did you find evidence also of low velocity

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1 blood stains on this garment?

9:47A 2 A. Yes, sir.

3 Q. If you could, just describe the types of blood stains
4 that you found on State's Exhibit Number 33 during your
5 examination.

6 A. The majority of the stains on the jeans are what
7 would be referred to as either blood soaks, or blood
8 transfers.

9 In addition to those stains, there were a few stains
10 that would be considered impact stains. In other words, it's
11 blood that's been broken up into some force or energy to
12 travel through air and impact it, and one of the ways you're
13 able to tell the difference there, on transfers, typically
14 under magnification you can see voids. You generally don't
15 see that with blood soaks. You also do not see that with
16 spatter, because the spatter has forcibly been driven into the
17 individual fabric.

18 Also, the size is indicative from one to the other.

19 Q. If we could step -

20 MR. DAVIS: With the Court's permission.

9:48A 21 THE COURT: You may.

22 BY MR. DAVIS:

23 Q. If you could step down here, and let me just hold the
24 pants up here for you. And if you could just point out to the
25 members of the jury first some of the areas that you found to

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be a transfer or soak-through?

(The witness came down off the witness stand.)

A. Okay. The transfers are generally a little bit lighter.

For example, in here the pattern has a little bit of a void in this particular area. Then when you start actually getting blood soaks, the blood will be heavier. You generally will not have the voids.

Some of those areas, for example, here on the knee, it's considerably heavier than what we've got in the first area that we're pointing to, and then as you get to this particular area, we have individual blood stains that are considerably smaller than the blood transfers and/or soaks, and the sizes are ranging from about four millimeters and down.

I don't find any that would be consistent with a high velocity occurrence, but certainly the ones that are basically in this area of the crotch, and an area right in here by the — or just below the zipper area are consistent with what I would identify as blood spatter.

Q. So the soak-through, then, an example would be on the knee of the blue jeans, —

A. Yes, sir.

Q. — and then the more medium velocity spatter, would be more in the area beneath the zipper and the crotch area; is
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that correct?

A. That is correct.

3 Q. Now, let me ask you, if you would, have you had an
4 opportunity also to look at the photos from the crime scene?

5 A. I have, sir.

6 Q. Okay. You see here, do you not, a - a body on the
7 bed; is that correct?

8 A. Yes, sir.

9 Q. How would you describe the amount of blood on the
10 nightshirt found here in State's Exhibits 20-E and 20-F?

11 A. The majority of the blood that is very visible in the
12 photograph would be referred to as blood soaks.

13 Q. Okay. Would you consider that to be a large source
14 of blood?

15 A. Yes, sir.

16 Q. Okay. Was it your testimony that the soak-throughs
17 could be caused by coming in contact with a large source of
18 blood?

50A 19 A. Certainly.

20 Q. Okay. Let me ask you, as we look at these
21 photographs, if - if I was holding - and let me, for the
22 purposes of this hypothetical, if I may, show you State's
23 Exhibit Number 40, I believe you've had an opportunity to view
24 that before, have you not?

25 A. Yes, sir.

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1 Q. Okay. If - if I were straddling - if I were on the
2 bed over the woman shown here in State's Exhibits 20-E and
3 20-F, if I am on a bed and I'm on my knees, okay, straddling
4 this individual, okay, and I am producing through multiple
5 stab wounds to the neck of this individual, would you expect
6 there to be a large amount of bleeding, sir?

7 A. Yes, sir.

8 Q. Okay. Would you expect a large amount of - of
9 bleeding - well, strike that.

51A 10 If I am repeatedly coming down and stabbing,
11 sometimes as much as five inches deep into this body, would
12 you expect a certain amount of blood spatter to occur as a
13 result of that type of motion?

14 A. Yes, sir.

15 Q. Okay. If my - if I were straddling, and my knees
16 came in contact with the amount of bleeding that you see here
17 on this nightshirt shown in State's Exhibit Number 23 (sic),
18 would you expect that type of contact to produce the stains
19 similar to the one that you found here on State's
20 Exhibit Number 33, the soak-through on that knee?

21 A. That could certainly produce that; yes, sir.

22 Q. Okay. Now, let me just ask you, the blood stains
23 that you have found on State's Exhibit Number 33, are they
24 consistent with having been produced by the individual wearing
25 State's exhibit Number 33, straddling the victim, producing

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1 eight - seven to eight penetrating stab wounds, at least one
2 long, deep cut, and other slashing motions to the victim's
3 neck in this case, sir?

4 Are they consistent with that type of action?

9:52A 5 A. The stains that we've identified certainly could have
6 been produced in that manner; yes, sir.

7 Q. Okay. And in particular, the stains found in the
8 crotch area of State's Exhibit Number 33, the spatter that
9 you've identified, would those particular stains be
10 consistent, sir, with this type of position on my knees, over
11 a victim, and repeatedly stabbing and cutting?

12 A. Yes, sir, they would.

13 Q. Thank you, Mr. Bevel. Would you have a seat?

14 (The witness returned to the witness stand.)

15 Q. In some of the photographs, have we seen certain -
16 certain amounts of blood on the headboard of the bed, and also
17 on the wall above the bed?

18 A. That is correct, sir.

19 Q. Okay. Would those stains also be consistent with the
20 same motions that I just previously showed you where I am
21 straddling the victim, and again, repeatedly stabbing and
22 cutting that victim while she's laying faceup on the bed?

9:54A 23 A. Yes, sir, they are consistent with spatter that could
24 occur from such an occurrence.

25 Q. Okay. Where the knife, the hilt of the knife, or my

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hand is actually coming in contact with the blood source, or blood-soaked clothing and actually impacting, and then, therefore, producing an impact where that blood is driven off and actually striking the wall and the headboard; is that correct?

A. That could occur; yes, sir.

MR. DAVIS: I'll pass the witness. Your Honor.

BY MR. DAVIS:

Q. Well, let me just ask you, Mr. Bevel, did you ever produce a formal report in this case?

A. No, sir, I did not.

Q. Okay. Do you have your notes available for defense counsel to view?

A. Yes, sir.

Q. Okay. And are they with you right now?

A. They are.

MR. DAVIS: Okay. Your Honor, with that, we'll pass the witness.

THE COURT: Mr. Johnson or Mr. Brauchle?

MR. BRAUCHLE: May we be provided with these notes?

THE COURT: Certainly.

MR. BRAUCHLE: Could we have a short recess to view them?

THE COURT: You may.

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1 Ladies and gentlemen, we'll take a break for
2 about - for a few minutes.

9:55A 3 (Jury not present.)

4 (State's Exhibit Nos. 90 and 90-A
5 were marked for identification purposes.)

6 MR. DAVIS: While we're in this break,
7 Your Honor, I just want to also have the record reflect that
8 I'm tendering several documents I've marked as State's
9 Exhibit Number 90, and these are the documents that
10 Mr. Johnson and I were referring to earlier that were found in
11 the shack there behind the K-Mart, so during the break, I'd
12 like to tender those to him so that he'll have an opportunity
13 to view them.

14 It is my intention to offer those at some point.

15 MR. JOHNSON: Your Honor, can I inquire of
16 Mr. Davis of when he first became aware of these documents?

9:56A 17 MR. DAVIS: Well, probably two months ago, three
18 months ago.

19 MR. JOHNSON: Okay. And can you tell me, are
20 these documents basically -

21 THE COURT: Hold on a second.

22 Mr. Brauchle, would you and Mr. Bevel, why don't
23 you step back to the other side of the courtroom.

24 MR. BRAUCHLE: Okay. Can he take these with
25 him?

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1 THE COURT: Certainly. Exhibit 33?

2 MR. BRAUCHLE: Uh-huh.

3 THE COURT: Don't let it get away. Yes, that's
4 fine. As long as y'all return them.

5 Mr. Johnson, you may continue, wherever you
6 were.

7 MR. JOHNSON: Thank you.

8 Mr. Davis, it's my understanding that this is
9 the first time that you have given me what's in State's
10 Exhibit Number 90; is that correct?

11 MR. DAVIS: Yes, sir; that's correct.

12 THE COURT: Okay. And, Mr. Davis, do these
13 contain several documents and papers, some of which belong to
14 John Adams?

57A 15 MR. DAVIS: My understanding is all those papers
16 belong to John Adams.

17 MR. JOHNSON: Okay. And where - where can you
18 tell me, if you can tell me, where these papers were recovered
19 from?

20 MR. DAVIS: My only knowledge is that they were
21 recovered from inside the shack, not outside the shack, but
22 inside that room that constitutes the shack.

23 MR. JOHNSON: Inside the shack, and when you're
24 referring to "the shack", you're talking about the location
25 where Mr. Wright was arrested?

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1 MR. DAVIS: That's right. Uh-huh.

2 MR. JOHNSON: Okay. And have you given me any
3 notice prior to today that you have possession of these
4 documents?

5 MR. DAVIS: What I've told you prior to today
6 is, that all the evidence in this case was available for your
7 viewing from the DeSoto Police Department.

8 I have not given you specific notice of these
9 items for the reason that your client is aware of them
10 already, having stated that that was his residence and these
11 papers were within his residence. And my belief - I think a
12 reasonable belief is that if your defendant is already aware
13 of the fact that I'm not obligated at that point to inform him
14 of that fact, so for that reason, I have not specifically told
15 you of those papers prior to today.

58A 16 MR. JOHNSON: Did you have any personal
17 knowledge that my client, Mr. Wright, knew of the existence of
18 these documents?

19 MR. DAVIS: Yes, sir. I had - I had reason to
20 believe that your client was living there for an extended
21 period of time. Certainly those are under his residence, his
22 domicile.

23 MR. JOHNSON: That was actually not my question.
24 Did you have any -

25 MR. DAVIS: That's my answer to your question.

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1 MR. JOHNSON: Yes, sir.

2 Your Honor, - did you have any - did you have
3 any personal knowledge that Mr. Wright, in fact, knew of the
4 existence of these documents?

5 MR. DAVIS: I've just - I've just answered your
6 question.

7 MR. JOHNSON: So your answer is no.

8 MR. DAVIS: My answer is yes, -

9 MR. JOHNSON: Your answer is -

10 MR. DAVIS: - just as I've stated.

11 MR. JOHNSON: Your answer is it was an
12 assumption.

13 MR. DAVIS: My answer is yes.

14 MR. JOHNSON: That it was an assumption.

15 MR. DAVIS: My answer is yes.

16 MR. JOHNSON: Can you tell us again how you knew
17 that my client knew these documents were recovered and were in
18 that shack?

19 THE COURT: Well, let me ask this? Is the
20 answer going to be any different than the answer you've
21 already given?

59A 22 MR. DAVIS: No, sir.

23 MR. JOHNSON: Is there anything in the motions,
24 exculpatory evidence, the documents that you've given me up to
25 this point, that - that sets out and gives notice to the

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defendant that you have possession of these documents of John Adams that were recovered in this shack?

MR. DAVIS: No, sir, I don't believe there's anything set out in any of the written notices I've given you.

Again, I have told you repeatedly to go and to view the evidence in the possession of the DeSoto Police Department, and I told you that would be available at any time. To my knowledge, you haven't done that.

MR. JOHNSON: Your Honor, our position is that this is clearly exculpatory evidence that the State had a burden to give to us and give us notice of, and this is the first time that we have become aware of it and had any access to it.

THE COURT: All right. And, Mr. Johnson, have you had a chance to view those documents yet?

MR. JOHNSON: I have not.

THE COURT: Okay. Then I assume that your objection that they're exculpatory evidence, you will give to me after you've had a chance to review the document?

MR. JOHNSON: That's correct, Your Honor.

THE COURT: All right. Then we'll take it up then.

Still outside the presence of the jury, Mr. Wright, a few minutes ago, the State and your attorney stipulated to the date of the Indictment. They did so without
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1 calling Joe Boggess. Your attorneys had your approval to
2 do - enter that stipulation; is that correct?

3 THE DEFENDANT: That is correct.

4 THE COURT: All right.

5 MR. DAVIS: Your Honor, could I also inquire of
6 Mr. Johnson a couple of things?

7 Mr. Johnson, in fact, this morning, did you, in
8 fact, ask me if there were papers inside the shack that had
9 been recovered belonging to John Adams?

10 MR. JOHNSON: I did.

11 MR. DAVIS: Okay. Mr. Johnson, I didn't tell
12 you about those papers prior to you asking me that question,
13 did I?

14 MR. JOHNSON: That's right, you didn't.

15 MR. DAVIS: And how did you learn of that, sir?

16 MR. JOHNSON: Obviously, that goes to
17 attorney/client privileges.

10:01A 18 MR. DAVIS: Okay. That's all I have,
19 Your Honor.

20 THE COURT: All right. We'll take a break for a
21 few more minutes.

22 Well, I'll tell you what, it's 10:07 on the
23 clock in the courtroom. By 10:15, I'd like to get going
24 again.

25 MR. JOHNSON: Okay.

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(Recess taken.)

10:20A 2 (Court reconvened; jury not present.)

3 THE COURT: Mr. Bevel, if you'd have a seat back
4 on the witness stand.

5 MR. JOHNSON: Your Honor, I want to remind the
6 Court, the lady from Gene Screen, I want to put on the
7 record -

8 MR. BRAUCHLE: We did that before you got here.

9 THE COURT: That y'all didn't need to talk to
10 her? That's already been taken care of.

10:21A 11 (Jury panel present.)

12 THE COURT: All right. You may be seated.

13 Mr. Brauchle?

14 CROSS-EXAMINATION

15 BY MR. BRAUCHLE:

16 Q. Mr. Bevel, my name's Paul Brauchle and I've got some
17 questions to ask you.

18 First off, you were paid by the State for your
19 testimony; is that correct?

20 A. I was compensated for my time both when I came down
21 here all day for the analysis of the evidence, and also for
22 coming here today; yes, sir.

23 Q. Okay. You were also instructed to not prepare a
24 written report in regard to your findings; is that correct?

25 A. I was not instructed not to. I believe what actually

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occurred with the counselor with me during my - actually, he drove me to SWIFS and to the county, and he was aware of what my findings were, and I - he may have said he didn't need one, but I honestly don't remember for sure.

Q. Okay. Now, then, in regard to your examination of all the items that you examined, you basically, I guess, were put together with Miss Long out at SWIFS, - is that correct? - the serologist?

A. She was there when the evidence was originally looked at; yes, sir.

Q. Okay. And she - she told you what she had found, or the areas that she had found and pointed out her findings; is that correct?

A. I believe that's accurate; yes, sir.

Q. And basically, you studied - you didn't make independent studies on your own. You went by what the serologist had previously been -

A. As far as the findings of serology, that would be correct. I didn't do anything further.

Q. Well, she - she didn't get into your area and you didn't get into hers, right?

A. To my knowledge, I didn't get into doing her work; no, sir.

Q. Okay. So if she said it was blood, you took her word for it, and vice versa.

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A. I would say that I took her word for it as to whose it was. I've looked at enough blood that generally under a microscope I can tell whether it is consistent or not.

Q. But you didn't do that in this case, did you?

A. Yes, sir, I did look at it with magnification.

Q. Okay. Now, then, in regard to one of the terminologies that we've used, that was "soak-through", actually, I think you said that in your opinion, "soak-through" would be where blood actually goes from one side of the fabric through the other side of the fabric, and then on to something else, didn't you?

A. Yes, sir, and I've - if I said "soak-through" in my original testimony, I would apologize, because there is definitely a difference between soaked blood and soak-through.

If you have a sufficient amount of blood that if I were to kneel into it and it soaks into the material and it spreads, that would be what I'd refer to as soaked blood.

Soak-through specifically would be a sufficient amount of blood, and it was in contact with a sufficient amount of time that if you were to fold the material inside out, there would be a very good representation of the volume of the blood on the opposing side, sufficient that it could have - if somebody's leg was in this pair of pants, there could have been blood actually on the leg, or if there was no leg in it, there would be a sufficient - in a soak-through,

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there would be a sufficient amount of blood on the backside of
2 the material coming in contact with the opposing side, that
3 you would have a transfer there.

4 So there's a little bit difference between just
5 simply soaked and soak-through.

10:25A 6 Q. And I think the areas that you've talked about
7 previously were simply soaked, rather than soak-through,
8 right?

9 A. Yes, sir.

10 MR. BRAUCHLE: We'll pass the witness.

11 MR. DAVIS: No further questions.

12 MR. BRAUCHLE: Well, I have one further
13 question.

14 BY MR. BRAUCHLE:

15 Q. You're not saying that Mr. Davis's scenario is the
16 only way this could have happened, are you?

17 A. I could not state that that is the only way that
18 could have happened; no, sir.

19 MR. BRAUCHLE: We'll pass the witness.

20 MR. DAVIS: No further questions.

21 THE COURT: Mr. Bevel, you may step down.

22 Is there any reason why this witness may not be
23 excused?

24 MR. DAVIS: No, Your Honor.

25 MR. JOHNSON: No, Your Honor.

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1 THE COURT: Mr. Bevel, you're free to go.

2 THE WITNESS: Thank you, sir.

3 MR. DAVIS: May it please the Court, Your Honor,
4 ladies and gentlemen of the jury, at this time the State of
5 Texas will rest its case-in-chief.

6 THE COURT: All right. Ladies and gentlemen,
7 we're going to have to take a break for a few minutes.

10:27A 8 (10:33 a.m.; jury not present.)

9 THE COURT: Donna, we'll go off the record for a
10 minute.

11 (Off-the-record bench conference was had.)

12 (Defense Exhibits Nos. 5 through 9
13 were marked for identification purposes.)

12:28P 14 THE COURT: All right. Let the record reflect
15 we're outside the presence of the jury. The State has rested.

16 Mr. Johnson, it's my understanding you and the
17 State have agreed to introduce some evidence by stipulation;
18 is that correct?

19 MR. JOHNSON: That's correct. Yes, Your Honor.

20 It is the agreement between the defendant and
21 the State that we are going to agree by stipulation to
22 evidence Defendant's Exhibit Number 5, Number 6, Number 7,
23 Number 8, and Number 9, which is - Defendant's Exhibit
24 Number 9 contains 39 pages which are the copies of envelopes
25 addressed to John Adams that contained letters and other

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1 papers and documents. All of these exhibits were found at the
2 shack on Beckley by the DeSoto Police Department.

3 Is that it?

12:29P 4 MR. DAVIS: That's the stipulation. Your Honor.

5 THE COURT: All right. And do you have any
6 objection to the admission of those documents?

7 MR. DAVIS: No, Your Honor.

8 THE COURT: And you - you're moving to admit
9 those for all purposes; is that correct?

10 MR. JOHNSON: I am, Your Honor.

11 THE COURT: All right. Defense Exhibits 5, 6,
12 7, 8 and 9 will be admitted.

13 MR. BRAUCHLE: Are we going to admit them in
14 front of the jury?

15 THE COURT: I'm sorry?

16 MR. BRAUCHLE: Are they going to be admitted in
17 front of the jury?

18 THE COURT: Yeah, I'll let you do it. I'm just
19 making the record clear that they're going to be admitted.

20 All right. Do you have something else you wish
21 to put on the record while we're outside the presence of the
22 jury?

23 MR. JOHNSON: Yes, Your Honor.

24 THE COURT: You may proceed.

25 MR. JOHNSON: If I may, -

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1 THE COURT: Excuse me. Mr. Wright, you
2 understand that your attorneys have admitted Defense Exhibits
3 5, 6, 7, 8, and 9 by way of stipulation, and you - you agree
4 and approve of that; is that correct?

5 THE DEFENDANT: I do, Your Honor.

6 THE COURT: All right. You may proceed, Mr.
7 Johnson.

8 MR. JOHNSON: May I have Mr. Wright sworn in for
9 the limited purposes of this hearing?

10 THE COURT: Certainly.

11 Mr. Wright, would you raise your right hand,
12 please?

13 THEREUPON,

14 GREGORY EDWARD WRIGHT

15 was called as a witness on his own behalf, having been first
16 duly sworn by the Court, was examined and testified as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. JOHNSON:

20 Q. Mr. Wright, do you understand this hearing's being
21 held outside the presence of the jury?

12:30P 22 A. (Nods head.)

23 Q. And you understand that I have been appointed, along
24 with Mr. Brauchle, to represent you in this capital-murder
25 case in which the State is seeking the death penalty.

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A. That is correct.

Q. Okay. And since I've been appointed to represent you, we have had many opportunities to talk about your various and Constitutional rights; is that correct?

A. That is also correct.

Q. One particular right that we have had many conversations about is your right to testify. You understand you have the right to testify, don't you?

A. I do.

Q. You also understand, we've talked about at great length, you also have the right to take what's called the Fifth Amendment, that is, the right to remain silent and not testify. Do you understand that?

A. I do.

Q. Basically the way it boils down to is this: Is that if you want to testify, there is no -- nobody that can stop you from taking that stand and testifying. Do you understand?

A. I do.

Q. But at the same time, there is nobody that can force you to take the stand and testify. You understand that as well, don't you?

A. Yes, I do.

Q. You also, of course, understand that if you did decide to take the stand and testify, that you would be subject to cross-examination by the State's attorneys, just

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1 like any other witness. Do you understand that as well?

2 A. Yes.

3 Q. Okay. Sir, we have had a chance to talk again during
4 the course of this trial and again specifically last night,
5 and this morning, and all week during the course of this
6 trial, haven't we?

7 A. Yes, we have.

8 Q. We've talked about this particular issue at length on
9 many, many occasions, haven't we?

10 A. Yes, we have.

11 Q. Okay. And we've talked about all the various issues
12 involved in the case, all the different considerations, all
13 the different evidence that would be involved in this case,
14 and you have all of that information to weigh and consider in
15 making your decision about whether or not you want to testify;
16 is that a fair statement?

17 A. Yes, it is.

18 Q. Sir, what is your decision as to whether or not you
19 want to testify in this case or not?

12:32P 20 A. I'm going to exercise my right to take the Fifth.

21 Q. Okay. You are going to stand silent; is that
22 correct?

23 A. That is correct.

24 Q. Okay. You're not going to testify. You understand,
25 of course, again, this is your choice and your choice alone as

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1 to whether you do that or not. You understand that, don't
2 you?

3 A. Yes, I do.

4 Q. You understand that as far as the guilt/innocence
5 phase of the trial, this would be your only opportunity to
6 take the stand and testify to this jury. Do you understand
7 that?

8 A. Yes, I do.

9 Q. Knowing all those things, you're telling the Court
10 that you are going to take the Fifth Amendment, and you are
11 going to stand silent, and you are going to refuse to testify.

12 A. That is correct.

13 Q. Of course, you also understand, like the Court has
14 told the jurors many times, and we have voir dired on it, the
15 fact that you remain silent and – and do not testify, that
16 the Court will put an instruction in the Charge to the jury
17 saying that they cannot consider that for any purposes. Do
18 you understand that?

19 A. Yes, I understand that.

20 Q. That's all we have, Your Honor.

21 THE COURT: All right. Mr. Johnson, do you
22 believe your client knowingly and intelligently made that
23 decision not to testify; is that correct?

12:34P 24 MR. JOHNSON: Yes, Your Honor.

25 THE COURT: All right. Anything else before we

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1 bring in the jury?

2 State ready?

3 MR. DAVIS: Ready.

4 THE COURT: Defense ready?

5 MR. JOHNSON: Ready.

6 THE COURT: All right.

7 MR. JOHNSON: Hold on just a second.

8 (Off-the-record bench conference was had.)

9 THE COURT: All right. The Court has discussed
10 with the attorneys for both sides, that it's my understanding
11 that the defense is going to introduce Exhibits 5, 6, 7, 8 and
12 9. At that time, I believe the defense is going to rest.

13 Both sides will close, and I've instructed the
14 attorneys that Monday morning I will read the Charge to the
15 jury and we will have argument. There will not be the
16 admission of any other evidence, but it's my understanding
17 that both the state and the defense are in agreement that if a
18 certain piece of documentary evidence is come across over the
19 weekend, that it may be entered by stipulation, and I will
20 make that single exception to my decision at this point.

21 Is that agreeable, Mr. Davis?

12:35P 22 MR. DAVIS: Yes, Your Honor.

23 THE COURT: Mr. Johnson?

24 MR. JOHNSON: Your Honor, I would also remind
25 the Court that - that if there is a witness out there that we

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1 are continuing to look for that we have at this point had
2 not - no success, I think that his name is McGaughey, or
3 something like that, and we are going to - we are going to
4 continue to look for him because of the nature of the
5 statement that we have found that we were given on December
6 the 1st, the day of this trial.

7 THE COURT: All right.

8 MR. JOHNSON: And I would ask the Court to
9 consider, if we find that witness, to possibly allow us to put
10 him on.

11 THE COURT: All right. I think we're ready.

12 (Jury panel present.)

12:37P 13 THE COURT: All right. You may be seated.

14 MR. JOHNSON: Thank you, Your Honor.

15 THE COURT: Mr. Johnson, you may proceed.

16 MR. JOHNSON: May it please the Court.

17 Your Honor, at this time, by agreement and
18 stipulation between the State's attorney and the defense, we
19 would like to offer Exhibits - Defense Exhibits Number 5, 6,
20 7, 8, and Defendant's Exhibit Number 9, which contains 39
21 photocopies of envelopes addressed to John Adams that
22 contained letters and other documents, and that all of these
23 items were recovered by the DeSoto Police Department at the
24 shack on Beckley at the time of the arrest.

12:38P 25 THE COURT: Mr. Davis?

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MR. DAVIS: That's my understanding of the stipulation, that it was - all these items were found in the shack behind the K-Mart there in DeSoto.

THE COURT: All right. Defendant's Exhibits 5, 6, 7, 8 and 9 will be admitted.

MR. JOHNSON: Your Honor, at this time, the defense rests.

MR. DAVIS: Your Honor, the State closes.

MR. JOHNSON: We close, Your Honor.

THE COURT: Ladies and gentlemen of the jury, you've heard all the testimony and received all the evidence that you will in regards to this phase of the trial.

At this time it is the Court's duty to prepare a Charge. Once that's prepared, it will be read to you and the attorneys will give you their closing summations.

Y'all have waited here patiently a great deal, so as opposed to having you wait further for anything else, and rather than risk you becoming my guest later today, we will recess until 9:00 a.m. Monday morning.

If you will be in the jury room at quarter of 9:00, we will be prepared to read you the Charge at 9:00 a.m., and the closing summations will follow. Thank you. Have a good weekend.

Please remember my instructions that I've given you before and throughout the trial about reading, listening,
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1 or watching anything about the trial. Please avoid that, and
2 we'll see you Monday. Have a good weekend.

12:39P 3 (Court and jury recessed.)

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5 (Continued in Volume 49.)

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