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VOLUME 49 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:

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 HONORABLE NEIL PASK SBOT: 15556700
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On the 8th of December, A.D., 1997, a Capital Murder Jury
 Trial with reference to the above-styled ~~ami.~~ judgment,
 came on to be heard before THE HONORABLE ~~ROB! RT~~ Bill Long,
 Judge of Criminal District Court No. 3, Dall
 following proceedings were held:

BILL LONG
 DIST. CLERK. DALLAS CO.. TEXAS
 DEPUTY.

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

214-653-5923

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11:12A 2 (Jury not present.)

3 THE COURT: All right. Let's get Mr. Wright.

11:14A 4 Let the record reflect we are outside the
5 presence of the jury.

6 We're getting ready to read the Charge. Both
7 sides have had the opportunity to review the Charge.

8 Mr. Davis, does the State have any objections to
9 the Charge?

10 MR. DAVIS: No objections, Your Honor.

11 THE COURT: All right. Mr. Brauchle, the
12 defense has submitted a proposed Jury Instruction Number 1
13 regarding accomplice testimony. I believe the Court has
14 incorporated that into their Charge. Having reviewed the
15 Charge, do you have any other objections?

16 MR. BRAUCHLE: Yes, Your Honor. Comes now the
17 defendant, Gregory Wright, with permission of the Court to
18 orally dictate objections into the Charge, and at this time
19 would object to the Court's Charge as follows: The defendant
20 would object to the application paragraph at the top of page
21 seven, in that said paragraph does not set out the manner and
22 means of how the robbery or attempted robbery, if any,
23 occurred in this case.

il:15A 24 It also, due to its inexactness and generalness,
25 allows the defendant to be convicted on facts less than those

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required by the Indictment.

We'd also set forth that it does not accurately apply the law to the facts, and the facts to the law, and that because of that, it shifts the burden of proof to the defendant.

We'd also object to the second paragraph of page seven in that it sets forth the date of March 23rd, 1997, in that the defense would contend that that is not the date that the Indictment reflects at the present time. Therefore, the Charge inaccurately reflects that date on both page seven and to page one, and anywhere else that the date of March 23rd, 1997, appears, such as on the top of page eight.

We would state that our previous objections to the attempted non-amendment, or the amendment of whatever it is that did occur in regards to the date of the Indictment, are ineffective; that our motion to quash should have been granted, and we would renew all objections at this time that were made pretrial, and ask that they be carried forward at this time in regard to the date alleged in the Indictment.

We would also object to page eight, in that the application charge there, once again, does not set out how the robbery or attempted robbery was supposedly committed. It states that the victim was stabbed or cut, but does not state how; therefore, the - allowing the defendant to be convicted on a theory less than that set forth in the Indictment.

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1 We would state that all of these defects in the
2 Charge shift the burden of proof to the defendant; make
3 incumbent on the defendant certain arguments or proof that the
4 defendant would have to bring forward, which certainly shifts
5 the burden; does not correctly apply the law to the facts; and
6 the foregoing, we would request that the Court amend the
7 Indictment before it's submitted to the jury to reflect our
8 objections.

11:19A 9 THE COURT: All right. Those objections are
10 overruled.

11 MR. BRAUCHLE: Your Honor, I stated that I had
12 permission to dictate those orally. I assume that I did.

13 THE COURT: You did.

14 MR. BRAUCHLE: Thank you. Note our exception.

15 THE COURT: All right. State ready?

16 MR. DAVIS: State's ready.

17 THE COURT: Defense?

18 MR. BRAUCHLE: Ready, Your Honor.

19 MR. JOHNSON: Judge, it's your intention to read
20 the Charge, then we're just going to complete the arguments?

21 THE COURT: I'm going to read the Charge, and
22 then we're going to go till we're through.

23 MR. JOHNSON: Okay. Your Honor, you know we're
24 going to want the jury sequestered.

11:20A 25 THE COURT: Okay.

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(Jury panel present.)

11:21A 2 THE COURT: All right. You may be seated. Good
3 morning, ladies and gentlemen. I trust you had a good
4 weekend, and I certainly appreciate your patience this
5 morning.

6 I'm about to read you the Charge of the Court.
7 This is the law which you will use in order to make your
8 decisions in the case. It's about eleven pages long. Please
9 listen carefully as I read it, but I will give you a copy to
10 take back to the jury room for your deliberations. You may
11 review it as many times as necessary back there, so it's
12 not - obviously not required that you memorize everything I
13 tell you. You will get a copy.

14 Once the Charge is read, I've given each side 45
15 minutes in which to present their summations. The State has
16 the right to open and close. I suspect they will, and the
17 defense will argue in the middle.

18 (Jury Charge was read to the jury by the Court.)

11:34A 19 THE COURT: The State may proceed.

20 MR. JORDAN: May it please the Court,
21 Your Honor.

22 Mr. Pask, Mr. Davis. Ladies and gentlemen of
23 the jury.

24 It's been a week that we've been together now to
25 sift through the evidence that's been presented, that's been

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collected, and we ask you now to review that evidence and return a verdict of guilty of capital murder against the defendant in this case, Gregory Edward Wright.

We've alleged that on the 23rd day of March, 1997, it was this man, Gregory Edward Wright, who either acting alone or as a party, someone who aided, or assisted, or encouraged in the commission of the offense of the robbery, and then during the course -

MR. BRAUCHLE: Your Honor, we would object to that, in that there's no parties charge.

THE COURT: All right. Ladies and gentlemen, you will remember the evidence as you heard it and take the law from the Charge.

MR. BRAUCHLE: May we have a running objection?

THE COURT: You may.

MR. JORDAN: - and that during the course of that robbery, the victim in this case, Donna Duncan Vick, was murdered by cutting or stabbing with a knife.

Now the Judge has in his Charge instructed you with regard to the law of parties. He's also -

MR. BRAUCHLE: Your Honor, once again, we would renew our objection. It is not in the Charge.

THE COURT: The objection is sustained.

Ladies and gentlemen, you will review the Charge, and the law will be contained within there.

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MR. BRAUCHLE: We would ask that the jury be instructed to disregard.

THE COURT: Ladies and gentlemen, please disregard the last comment.

MR. BRAUCHLE: Further, we'd move for a mistrial.

THE COURT: Denied.

MR. JORDAN: Let me rephrase that, ladies and gentlemen.

The Judge has instructed you with regard to an accomplice. He's also instructed you with regard to criminal responsibility for the actions of another. In fact, it says that if, in fact, you aid, or assist, or encourage, or solicit -

MR. BRAUCHLE: Your Honor, once again, we would renew our objection.

THE COURT: Your objection is sustained.

MR. BRAUCHLE: We'd ask that the jury once again be instructed to disregard.

THE COURT: Ladies and gentlemen, please disregard the last comment.

MR. BRAUCHLE: And once again, we'd further move for a mistrial.

THE COURT: Denied.

MR. JORDAN: You were told, ladies and

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gentlemen, that the burden of proof is on the State of Texas; that we must prove the case to you beyond a reasonable doubt. The Court further tells you that reasonable doubt is a doubt based on a reason or common sense after a careful and impartial consideration of all of the evidence.

I'd like to review some of that evidence with you from a common-sense approach, and I'd ask you to view that evidence impartially, and I'd submit that when you do, you'll arrive at the same conclusion: That the allegation in the Indictment states very clearly, and that is that Gregory Edward Wright is guilty of capital murder.

Ladies and gentlemen, you began with two people, or a relationship between two people, Donna Duncan Vick and Gregory Edward Wright, and the Court tells you, you can take into consideration that relationship of the parties involved in this offense, and I'd submit to you that there are a number of things that are either consistent or inconsistent with being innocent, or being guilty, in any particular case.

What is consistent with being innocent in this case? Consider this. If a person had taken you off the street, if you were a homeless person, had given you a place to eat, given you a place to rest, had fed you, had clothed you, had shown concern for your soul, and you were completely innocent of any wrongdoing, and, yet, you witnessed the murder of that friend, a murder that's so -

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MR. BRAUCHLE: Your Honor, we object to this argument in that it requires the defendant to either present testimony or evidence, which is improper.

THE COURT: All right. Overruled.

MR. JORDAN: A murder of Donna Duncan Vick, so graphically portrayed in State's Exhibits Number 20-E and 20-F, the scene also shown in 20-A, B, C, and D, if you look at that scene, and you are confronted with what we will say an innocent person might be confronted with, and you'd have to think, what would a person do -

MR. BRAUCHLE: Your Honor, once again, we'd renew our objection to this argument.

THE COURT: Overruled.

MR. JORDAN: Under those circumstances, what would an innocent person do? Would you run out of there just as fast as you could to get away from this horrible savage, brutal butcher that you just witnessed, or would you hang around and collect items to sell? Which one of those actions is consistent with being innocent versus guilty?

And if you did run away, wouldn't you run away and get somebody to help? Wouldn't you run and report that? Wouldn't you call somebody and say something terrible has happened over here on Granada Street? Send the police. Help, quickly, to 1205 Granada. That didn't happen.

And if you just witnessed your best - your

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1 friend, who has done all this kindness to you, and you'd seen
2 the murder, wouldn't you be a little saddened by their
3 passing?

4 Wouldn't you be a little depressed by the
5 slaughter that you'd just seen? You might if you're innocent.

6 Of course, if you're guilty, you would probably
7 be more excited by all the trophies you collected, by all the
8 things you're going to now sell and maybe get a little dope.

11:40A 9 And even as time went by, don't you think the
10 impact of what you just witnessed would begin to wear on you
11 and you'd start getting a little depressed? An innocent
12 person would, don't you think? And, yet, the only thing we
13 heard from Mr. Mosley is that the defendant and Zigzag, his
14 buddy, were out there giving each other high-fives in the
15 front yard, celebrating, if you will, a successful evening.

16 And after you've been - had this person taken
17 from you, this - this benefactor, if you will, where would
18 you go?

19 Well, I'd submit an innocent person would
20 probably want to go somewhere, anywhere, to get away.

21 The guilty person, on the other hand, they'd
22 probably go right on back to the same place they came from
23 before that. Back to the shack behind the K-Mart. And what
24 would you take with you? Well, you'd take what most homeless
25 people carry with them: Your belongings. Those belongings

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would include your clothing. And you'd go back to that shack, back to where you'd been before.

Now once you got there, what would you do? Would you hide things? Would you conceal things? Of course you would. One of the things you might want to hide or conceal would be the knife, if you still had it with you. Wouldn't you want to get rid of that? Of course you would. Well, where would you do that? Where would you throw it? Maybe just out the door. Why? Maybe you're not thinking quite right. Maybe you've had too much crack, too much cocaine, too much dope. For whatever reason, maybe you didn't give it too much thought. So you throw the knife out. Sure enough, that's where the knife was found.

And once you've been arrested, once you've been taken to jail, when you no longer have to worry about a place to stay, or food to eat, or clothes to wear, what's the one thing that would start to gnaw on you? Where if you're an innocent person, I don't know if there would be anything that would gnaw on you.

Of course, if you're this man over here, and you know what's happened, and you know what your part in what happened was, you'd probably be a little concerned about your jeans, because that's the one thing in that shack that can tie you to this capital murder. That's the one thing that can scream even more loudly than Donna Duncan Vick about your

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1 guilt. That's the one thing, ladies and gentlemen, that can
2 positively put you at the scene of the crime and tie you to
3 this murder.

11:43A

4 So what do you do? Obviously, you're in jail.
5 You can't get out and get it yourself, so you call somebody.
6 Somebody. Anybody will do. And when you get that person on
7 the line, you say, go over and pick up my stuff. Go over and
8 pick up my things. Go collect my possessions.

9 No. You tell them to do the one thing that you
10 need them to do most: Go and get my clothes. Go and get my
11 clothes.

12 Do you care what they do with it at that point?
13 Do you care whether they burn them? Do you care whether they
14 hide them? No. The only thing you're concerned about is that
15 those clothes not be in that shack, because sooner or later,
16 the police might go to that shack, and then the game is over.
17 The gig is up.

18 Well, you know that Mr. Wright made that call,
19 and you know that the lady just decided she wasn't going to
20 comply with that request, and we know the jeans were there.
21 We know the defendant was there.

11:44A

22 Ladies and gentlemen, we began this case by
23 telling you that at the conclusion of the evidentiary phase
24 we'd stand before you and we weren't going to wring our hands
25 or bat our eyes about it. We were going to ask you to find

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1 the defendant guilty of capital murder just like he's charged
2 in this Indictment, so I should take it as no surprise to you
3 that I stand here today and ask you to find him guilty exactly
4 as he's charged in this Indictment of capital murder, and
5 nothing less.

6 Thank you.

7 THE COURT: Mr. Johnson?

8 MR. JOHNSON: Thank you, Your Honor. May I have
9 a moment to put some demonstrative evidence on the board?

11:46A 10 May it please the Court, Your Honor. Ladies and
11 gentlemen of the jury.

12 First let me just start by addressing what
13 Mr. Jordan said. A couple of things I want to point out to
14 you is, is that he's told you that the Indictment says that
15 this offense occurred March the 23rd, and we know that that's
16 wrong.

17 Remember, we talked in voir dire about the State
18 making mistakes; that they've got to prove everything beyond a
19 reasonable doubt. They can't make any mistakes. Well, that's
20 how good a job they've done. They brought you an Indictment
21 where they've indicted this case with the wrong date.

22 Now each one of y'all, you know, told us during
23 voir dire that, you know, if the State messed up in such a
24 way, that y'all would be willing to find somebody not guilty
25 in that respect.

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I'm not asking you to find my client not guilty because of that, but I do want to point out to you that it really did happen, and that if - if you want to, you told us you'd do it, that's your business.

He also tried to tell you that, you know, that my client's a party to this. Well, it's not even in the Charge. They still haven't even figured out what's in the Charge. That's how much they figured out about this case. That's how good of a job they've done in investigating this case and presenting it to you.

They've told you to consider - Mr. Jordan told you you can - you can consider the relationship between the parties: Miss Vick and my client. The only thing we know about their relationship is, is that it was a good one.

This is the State's case right here, folks. The State's case is these pictures, okay? This is what their case is about. It's about all these great pictures, and all these great exhibits, and all these boards that they put together, and that's why you're supposed to indict my client, because this really is an - an offense. It's a murder. It clearly is. But they haven't - they've done - they've left one thing out, and that is the proof. The proof beyond a reasonable doubt that this happened, okay?

I want to thank y'all. I want to thank you for your time. I want to thank you for your attention. This has
DONNA HILL-WYNKOOP, RMR, CRR, RPR, CSR 214-653-5923

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been a long and very stressful process. Some of y'all have been here since we started the jury selection back in August. Some of you came on a little longer. This has been a pretty stressful week.

I want to also take time to apologize to you about the way I look. Y'all might have noticed at the beginning of this trial my face started breaking out, I started having things growing across my face. Quite frankly, I, and everybody else in the room, probably, y'all probably thought it was from stress. Well, the Judge finally gave me a chance to go to the doctor. I found out it wasn't stress, it was an infection that was being spread by me shaving, and he told me to stop shaving for awhile and gave me some medicine so maybe this will clear up. So, please, if this offends you that I look this way, please don't hold it against my client, okay?

You know, it's - unfortunately, you know, we do have prejudices, and sometimes people are prejudiced by the way people look, you know. They may be prejudiced against the fact that somebody may be homeless; - okay? - that they might be unshaven; they might be dirty. But you know what, folks? That's certainly not a reason to find somebody guilty of a crime, especially a crime of capital murder.

You know, I'm reminded of a story of a - of a young boy who loved his mother's lemon meringue pie. He just

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1 couldn't help himself when it came to eating her pie. She
2 made the best pie. He just couldn't keep out of it, okay?

3 One time the mother made this pie for a special
4 occasion and gave instructions to her son, you stay away from
5 that pie. I don't want you in that pie at all. That's for a
6 special occasion. I don't want you in it at all.

7 Well, when he came home from school, nobody was
8 home. But that pie was there. And you know what? He
9 couldn't help himself. He just couldn't help himself. He
10 wound up going to that pie, sticking his finger in there and
11 taking a little bit of that meringue and put it in his mouth
12 and he was enjoying it, and about that time he heard his
13 mother come home, about to come in the house. He looks down
14 and he sees the family cat, so he reaches down and he grabs
15 the cat, puts the cat's face into the meringue, and then drops
16 the cat. The cat runs off as the mother comes in, and that
17 cat has meringue in his whiskers, okay?

11:51A 18 Well, the mother grabbed that cat, threw it in a
19 sack, and it looked like it hurt that cat, so the little boy
20 was a little upset about that. He went out and he went down
21 to the river by the family house. He was sitting there and he
22 was kind of down a bit, and a friend of his came up. He says,
23 you look kind of down there, Johnny. What's wrong? Johnny
24 kind of shook his head.

25 About that time, this sack comes floating down

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1 the river, and you can hear the screams of the cat in that
2 sack, and his friend said, my gosh, I wonder what is going on.
3 What's in that sack? And Johnny says, well, you know, it's
4 another cat going down the river based on circumstantial
5 evidence. Okay?

6 Well, that's what the State's case is, okay?
7 And that's exactly what circumstantial evidence is. It's just
8 circumstantial, okay? It can prove a lot of things, but it
9 can't - doesn't always prove what it's meant to prove.

10 And this case is completely a circumstantial
11 case. It's just like my face. You know, we all thought it
12 was stress. I mean, I thought it was stress. But guess what?
13 I went to the doctor and found out it wasn't. It was
14 circumstantial evidence, okay? But I was wrong, and you can
15 be wrong about circumstantial evidence.

11:53A 16 Let's go through the evidence in this case, and
17 I like to do it by going - I go through the witnesses in
18 order.

19 The first witness that we have was the medical
20 examiner who testified to the fact that Miss Vick indeed died
21 of a homicide. Now, what was important about what she told
22 us?

23 Let me tell you, there were many things, but
24 what was really important as far as what the State's case was?
25 They - that report shows that her alcohol content in her body

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was almost nonexistent; that it was - it would only be the amount of alcohol that would come from the decomposition of the body.

And what else did she tell us? She told us that the vitreous, that's the fluids in her eye, had no alcohol in them at all, okay? What does that mean? It means that prior to her death, she had not been drinking any alcohol. Okay? She had - prior to her death, she hadn't been drinking alcohol.

The medical examiner also couldn't tell us when the death occurred. She couldn't tell us when the death occurred.

The State's theory of the case is that - is that - and they told you this in their opening statement - that this death occurred after Mrs. Vick had been up there at the VFW drinking with - with Gregory Wright. And we actually had a witness come in here and tell you that, that - that they were up there drinking and that she was drinking wine coolers, okay?

So, you know, number one, it tells you that - that there was no alcohol in her system. So, you know what? The physical evidence shows that she was not - she was not killed at the time the State is trying to tell you she was killed, all right?

Now, what did - what were some of the things

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1 that we learned from Sylvia Parsons and from Mr. Cole?

2 Well, we learned that Miss Parsons knew
3 Gregory Wright; that he'd stayed in her house for several
4 weeks; that during that time he'd been very helpful. He
5 worked around the house. He gave her money. He cooked food.
6 He bought her groceries. He cleaned up, you know.

7 We also learned from Miss Parsons that she met
8 Miss Vick, and that it appeared that Miss Vick and Mr. Wright
9 had a very good relationship; that Mr. Wright was having -
10 was mowing the yard and doing some things around Miss Vick's
11 house for her, and that Miss Vick was going to buy him some
12 shoes. And I'd submit to you that it was just as reasonable
13 that she was going to buy him some - some new clothes for
14 church, because they were going to go to church that Sunday,
15 okay?

11:56A 16 Now we know from Miss Vick's son, Jerry - Jerry
17 Don Blanton, that his mother was very, very religious; that
18 she would say prayers before she went anywhere; that she
19 would, at times, go into trances and talk in tongues, okay?
20 That she would help those people who she felt were deserving
21 of help.

22 We even know that she gave some people thousands
23 of dollars. Thousands of dollars, okay? She was a person
24 that was willing to help. She was basically, you know,
25 probably a gravy train for Mr. Wright at this time. She was

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1 certainly there willing to help him out.

2 Now, Donald Cole told us that he knew
3 Gregory Wright from all the - the help that he did without
4 being paid. He would come in and help him there at the
5 Texaco, help him clean up, clean the bathrooms, put ice in the
6 ice dispenser. You know, just do all kinds of things, and he
7 wasn't - he wasn't getting paid for it. It's just the kind
8 of person he was. He just seemed like a pretty good guy.
9 Mr. Cole said, you know, they went out and had beers together.
10 He was pretty friendly.

11:57A 11 In fact, he testified - Mr. Cole testified
12 that - that the night that this, according to the State, was
13 all supposed to happen, that he saw Miss Vick and Mr. Wright
14 together at the VFW when he got off at 10:00 o'clock. He went
15 up there. He got up there about 10:30, and that Miss Vick and
16 Mr. Wright were there having a good time, again, drinking,
17 having a good relationship, and that they stayed past
18 midnight, to 12:30.

19 The State's argument, I think they said that it
20 was like 1:30, or close to closing time before they left,
21 okay? From the VFW, the night that this supposedly happens.

22 Now, what's another thing that Mr. Cole -
23 Mr. Cole told us? See number four up there? That he had on a
24 brand-new pair of jeans. He couldn't quite remember if they
25 were blue or black, but what he did remember was that he

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remembered that they were brand-new.

And, you know, that was pretty significant to him, because, you know, he was pretty used to seeing Mr. Wright in probably some pretty dirty - dirty clothes from being out on the streets. But guess what? He's got on a brand-new pair of jeans, probably a pair of jeans that Miss Parsons (sic) had just bought for him. They were brand spanking new, okay?

What else did Mr. Cole tell us? He told us that he saw - he saw Mr. Wright the following Saturday; that he came into the Texaco store. He's still right there in the same area that he's always going out. He isn't going anywhere. He hasn't run off.

In fact, what did Mr. Cole tell you? It looked like he'd been working. It appeared that he'd been working. That's what he thought, from the way he looked. He didn't look upset. He didn't look like anything, other than the fact that he'd been working, like he was the type of person that would do.

Okay. Now, you know, the State's case, you know, really comes down to, I think, three people that you have to believe beyond a reasonable doubt for the State to get a conviction. You've got to believe John Adams, Zigzag, the person who probably killed this woman, this fellow right here, and you've got to believe Lew Mosley, okay? And you've also

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got to believe beyond a reasonable doubt their god of fingerprints, Mr. Cron.

What did Lew Mosley tell you? Lew Mosley told you that he had an extensive criminal history. He'd been in trouble a lot all the time, okay?

Now, he also tells you that - this is the part I love. This is the part I love. - that Gregory Wright came over there to his crack house, you know, like three times that night, okay? And that he had this woman with him each time. But guess what? What did he - what did he tell you? The woman was a blond.

What else did he tell you? That it wasn't the woman that the State's trying to say was the murder victim.

And what else do we know about that? It's not in his statement, okay? The State's introduced Mr. Mosley's statement. It's not in there. It never says anything about Mr. Wright ever being there with Miss Vick, and it certainly doesn't - now, what do we know? We know that he talked to this man right here, trying to get him ready to testify. He talked to this man right here getting him ready to testify.

We know he talked to Mr. Pothen, because that statement was taken by Pothen. Pothen was the one who put that statement together, in fact. Mr. Mosley didn't write that statement out. Mr. Pothen typed that up for Mr. Mosley to sign it, okay?

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Now, do you really believe that this lady, this nice lady, Donna Vick, would take somebody to a crack house to buy them crack cocaine? Does that sound like the kind of person she was? No. That's completely absurd. It's unbelievable, and you cannot - I don't know how you can believe that. I certainly don't know how you can believe it beyond a reasonable doubt.

Now, his statement goes on to say that - that they came back, and at one time they came back, Mosley says that he testified that - that they come back and they picked Zigzag up at his house at 11:00 o'clock that night, okay?

Well, they're at the VFW at 11:00 o'clock at night, so that certainly doesn't fit, either. Okay? That's completely inconsistent with what the State's trying to prove.

You know, in his statement he keeps talking about how, oh, they, you know, they came to my door and they said this, and they did this. You know, "they" don't do anything. Either Zigzag does it, or Maverick does it. It's not they, they, they, they, they, okay? He comes in here and tries to tell you that - that, you know, that - in his statement, he says Maverick and Zigzag came to his door. Well, he admits on the stand that actually, Maverick - well, Maverick did come to the store with Zigzag. You know, you go through his statement, and you can find so many things that are inconsistent.

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First off, what do we know from this statement?

We know that he's giving this statement at the request of Pothen. Pothen has just raided his house, his crack house, okay? Pothen has this guy in custody, all right? When does he give this statement? He gives his statement two days after - at least two days after he's been in custody, all right?

We know he's in custody because he's been advised of his Constitutional rights, all right?

Now, where are all the other people that were there at that dope house, okay? Where - you know, number nine there, where are all these other witnesses that supposedly were there at the dope house, you know, the ones selling the dope and everything else. Why didn't the State bring them in here to say that Mr. Wright was there at that dope house? Why? Because there aren't any.

The only person that they could get to come in here and lie to you is Mr. Mosley, who runs a crack house, - okay? - and who is maybe looking at being charged with capital murder, too. He doesn't know that, all right? Do you think he's willing to say anything at anything they ask for him? Okay.

You know what? He probably, at this point, can have a drive-through window at his crack house and a neon sign that says "crack", okay? You help the State that much,

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believe me, you can get just about anything you want. He's trying to tell you that he's not getting anything out of this? Well, what - we know that he's not getting charged with any offenses, and we know he sat there and admitted to felonies on the stand, but he's not getting anything for his testimony?

He also says that he picked my client out of a photo lineup, okay? He says that in his statement. Where is that photo lineup? How come the State never brought you that to show you where he was able to ever pick out my client in a photo lineup?

He also told you that he knows - he's known Zigzag, the other guy, for six to eight months. Well, we know from the papers that were in Mrs. Vick's car, that Zigzag hadn't been out of prison but for a couple of months. So does that mean that Mosely knew Zigzag in prison? I guess that's what it means. Do you think they'd help each other out? What else is in that statement?

This business about Zigzag talking about the difference between the punishment for murder and an accomplice, okay? What does that suggest to you? Do you think the two of them got together; could have got together? Is it not reasonable? It is not a reasonable assumption from the evidence that these two guys who probably were in the penitentiary together, get together and say, well, we'll put this on - we'll put this on Maverick, okay?

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Now, Mosley tells us that the only piece of property that's left in his house is this weed eater, and this weed eater was given to him by Maverick, okay? Now, why would he want to say that? Well, because if he says to the police that Maverick says it was his weed eater, and that Maverick gave him something that was his, well, then it's not stolen property, okay? So then it's not a crime.

And, now, here's what's interesting. This weed eater that supposedly is - is my client's, Gregory Wright's, weed eater, how come they don't bring any fingerprints off of that to show you? I mean, if it was his weed eater and they've got these incredible experts that can find fingerprints that don't exist in other places, don't you think they could find you and bring you a fingerprint on the weed eater?

Then we get to - then we get to, I think it was Trippel, okay? Trippel tells you that - that he gets into this because he gets this call from this - this poor, poor, pitiful, upset, distraught, can't-live-with-hiraself crack addict that's high and drunk, and wants to do the right thing. This guy is distraught. He's seen something that he just can't imagine was so horrible. I mean, this guy has had such a wonderful, beautiful life, and now he's seen something that's so horrible and is so offended. This guy right here. Mr. - Mr. No limits; no mercy. Mr. Aryan Brotherhood

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tattoos,

2 Do you remember that video that I showed you of
3 him when he was arrested? It looked like something out of
4 Cape Fear.

12:07P 5 Folks, here's your murderer, right here.

6 And then what does he tell you? He tells you -
7 he tells you that it - that they pick him up. Miss Vick
8 and - and Mr. Wright, picked Zigzag up off the streets of
9 Industrial. Not at Mosley's house, and not in the middle of
10 the night, but at lunchtime. That it's lunchtime, okay?

11 And that - and that for some reason, my client,
12 who's, according to them, sitting in a kitchen that is
13 evidently full of knives, butcher blocks full of knives,
14 instead of just using one of these butcher blocks full of
15 knives, that he borrows - and this guy gives him his knife to
16 go kill this lady, okay? Of course, now he says, well, I
17 didn't know he was going to do that. I had no idea that's
18 what he wanted it for. All of a sudden I hear her saying,
19 What are you doing? What are you doing? And I go back in
20 there and I see him on top of her and he's cutting her and he
21 breaks my knife, and then he goes and gets another knife out
22 of the kitchen.

12:09P 23 Well, what do we know about this knife? Well,
24 we know it's his knife, and we know it has Miss Vick's DNA on
25 it. We know it's this guy's knife and it has the lady

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1 who's - who's been killed's blood on it, her DNA, and we also
2 know it's not broken, okay? Because he led them to that
3 knife, and that knife was found, and that officer told you
4 that - that it wasn't broken, okay?

5 Now, then we have Det. Pothen, and he comes in
6 here and he testifies that - that - that this poor
7 distraught Mr. Adams takes him to the shack where my client is
8 arrested. Okay? And he takes him to the knife that was his
9 knife, that he had, that he hid. Okay? He hides one knife.
10 We know he hides one knife. It's his knife that has the dead
11 lady's blood on it.

12 Now isn't it reasonable to assume that he also
13 would have hid the other knife, - okay? - if, in fact, that
14 knife came - I mean, I don't even know how the State proves
15 that - that that knife was used in the murder. I mean, if it
16 is the dead lady's knife, we already know that it could have
17 DNA on it just from her using it if she cut herself, but the
18 medical examiner couldn't tell us that there was more than one
19 knife used in this; maybe there was, maybe there wasn't. She
20 said that there might have been an abrasion on the face; might
21 have been from a serrated edge and it couldn't have been from
22 anything else, okay? But this is the guy who leads them to
23 all the evidence, okay?

12:IIP 24 Now, what else did Pothen tell you? Remember me
25 asking him, well, was there any evidence that anybody else

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1 lived there besides Mr. Wright? No. No. There was no
2 evidence. None. No evidence that anybody but Mr. Wright
3 lived there. I asked him that.

4 Finally, I said, well, wait a minute. This was
5 kind of a home. Couldn't other people have been - well,
6 maybe there could have, but there was no evidence at all that
7 anybody else lived there but Mr. Wright, okay? That's
8 important, folks, that's real important, okay?

9 Now they want - the State wants to try to tell
10 you, and they told you in their opening statement that - that
11 Mr. Wright here is some kind of a, you know, dope fiend
12 because they find all these paint cans there and that, you
13 know, that's that kind of thing that people who sniff paint -
14 and they've got Mr. Cole saying he saw one time he had some
15 paint on him. Okay. Guess what, Mr. Cole had paint on him,
16 too, when he was sitting there and testifying, okay?

17 And all of a sudden, y'all are supposed to jump,
18 make this great leap from that to this man, you know, that
19 that proves that - that he's been huffing all this paint.
20 Well, we've got all these paint cans there. Okay? Do you
21 think you couldn't get fingerprints from that? Did the State
22 bring you any of that? No.

12:12P 23 You know, folks, the State has the burden of
24 proving all these things. They didn't bring any of that.

25 What else did they not bring you? They didn't

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bring you fingerprints on these dishes that were found there in the car, the plates found at the shack. There was so many different things that they could have brought you, evidence that they just didn't, okay?

What did we find - what did they find at the shack that shows that Mr. Wright did live there? His tax returns, okay? Something that showed that he had money coming back. He had a refund coming.

Again, it proves that this man is a working man; that he tries to work, okay?

You know, these knives that they claim were the other knives that were used to kill Miss Vick, okay, where are the finger prints on those? Why didn't they bring you the fingerprints - if this man's fingerprints were on any of those knives, why didn't they bring you fingerprints?

We also know that - and we have the - we have the book-in statement where it shows that Mr. Wright had no cuts on him at all, okay? He doesn't have any cuts on him, okay?

We know this guy certainly has a cut on his finger, because he's got a Band-Aid on it, all right?

But what else do we know from here? We know he's got a scar, okay? And that's on his - and that shows that on his back, all right? You can see that on his back. You can see he's got a scar, okay? That's not a cut and it's

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1 not a scrape. Remember, they took the fingernail scrapings
2 from Miss Vick, okay? They didn't have anything come back on
3 the DNA on my guy. That's not a scrape when Miss Vick's
4 scraping him while this is going on. That's just a scar.

5 Okay. He's got some kind of a little sore here
6 on his back, and he's got a little bump here on his arm. None
7 of those are fresh or have blood on them, okay? Now, those
8 are certainly - certainly healed.

9 Now, I want to also point out how lean this man
10 looks, okay? You can see him over there. He's a pretty good
11 size fellow, but he's pretty lean. He's not fat, okay?

12 He does tell him - he doesn't (sic) tell him
13 that he's an alcoholic, okay? He says he's an alcoholic, and
14 he hasn't had a drink since 3/20 of '97. When was that? The
15 night he was at the VFW with Miss Vick. He also says that
16 he's trying to recover - he's had DTs and he's trying to
17 recover. Okay. Does it say that he uses any drugs or
18 anything? No.

12:15P 19 You know, Det. Sullivan, you know, he came in
20 here and told you that Adams - Mr. Adams took him to that
21 buried knife and that that knife wasn't broken. It was in
22 perfectly good shape, as far as he could tell. It wasn't
23 broken.

24 Now we've got Watson, okay? Watson goes to his
25 house and it's very neat, very well kept, okay? One of the

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1 things he finds there is a cigarette behind the bed at the
2 murder - murder place, okay? Now, in the car, he tried to
3 testify - his original testimony was that they found the
4 cigarette butt like in the back seat somewhere. But you know
5 what? Unfortunately, that wasn't exactly right, because
6 there's the cigarette butt. And what do we know about that
7 cigarette butt? It has John Adams's ONA on it.

12:16P 8 Now, isn't it reasonable to conclude that the
9 person driving the car, if they had a cigarette butt and threw
10 it down, would throw it on the floorboard of where they were
11 driving, where they were sitting?

12 And then, you know, again, we've got another
13 glass; no fingerprints on it from - from Gregory Wright.
14 We've got this printer that he supposedly took. Any
15 fingerprints on that? No. Did the State bring you that? No.

16 What else do we have? We have Mr. Adams's
17 wallet that has his - his penitentiary I.D. and it shows that
18 he just got released from the penitentiary in January. Okay?

19 Now, he tells you that he processed a finger -
20 a fingerprint on a Dr. Pepper bottle that he found in the
21 trash. Well, if Mr. Wright's been there mowing her yard, I
22 mean, that's not all that surprising, - is it? - that she
23 gave him a Dr. Pepper, he drank it, and then threw it away.

24 And then they've got this note, this supposed -
25 this note that is supposed to be like this, you know, piece of

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1 evidence that just proves everything? "Do you want to do it?"
2 Well, folks, really, what does that mean, okay? And why would
3 anybody just - you know, I guess the State's theory is, is
4 that these two guys are sitting there and they write down this
5 note. Why don't they just say it to each other? Why would
6 they want to write it on a note? And they try to make this
7 big deal that it was done with a black marker and that, you
8 know, these guys' homeless signs are done with markers.

9 Well, what do we know? They took those markers
10 and they sent them to be processed. They didn't bring you any
11 evidence that that marker was the marker that made that note.

12 When it comes right down to it, folks,
13 there's - there's no reason to leap to some conclusion that
14 that note means anything, okay? And they've got to prove
15 everything beyond a reasonable doubt. That's what you - you
16 took an oath that you would require them to do that.

12:19P 17 Now, where do they find Mr. Wright's stuff at
18 the house? They find his bag that has some of his stuff in it
19 out in the garage by where the lawn mower and everything is,
20 because that's what he's there been doing. He's been over
21 there helping her mow the yard and work on the house, okay.
22 You know, they're trying to tell you that he was living there.
23 There's no evidence of that.

24 You know, where is this - where is this
25 cigarette butt? You know, does the State bring you the

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1 cigarette butt? They bring you the cigarette so that you can
2 actually look at them. You know, SWIFS told us that they have
3 people that can do that. We know that that cigarette butt in
4 the car has John Adams's DNA on it, but do they bring you the
5 cigarette butt? Do they bring you the cigarette itself? No.
6 That's their obligation to do that, folks. They didn't do it.

7 Now we know that they took – they took these
8 clothes, okay? All right? Now when you take these
9 clothes, – this supposedly is, you know, the jeans that they
10 want you to believe Mr. Wright was wearing when this offense
11 occurred. Okay? Well, now, look. These are the pants that
12 we know that he was wearing when he was arrested, okay?
13 The – y'all can take these and y'all can compare them just as
14 well, all right? They're the wrong size, okay? These jeans
15 are much smaller. These jeans are not the right size.
16 They're not the size that Mr. Wright wears, okay?

12:20P 17 Now, we know that Mr. Adams was arrested in
18 these things. Now, of course, these things will stretch
19 forever, but look how small they are. But more importantly
20 than that, we have a pair of jeans in here that have
21 Mr. Adams's blood on them, okay?

22 Guess which jeans they match exactly? Exactly.
23 Okay? Mr. Adams's blood is on the jeans. That would be
24 reasonable to conclude that this was Mr. Adams's jeans that
25 were found in that shack, and they are exactly the same size

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1 as the jeans that have Miss Vick's blood on them. Okay?

2 Who killed Miss Vick? The person who was
3 wearing these jeans, the jeans that fit John Wade Adams.

12:21P 4 Do these jeans look new? Do these look like
5 they're a brand-new pair of jeans that the testimony clearly
6 was that Mr. Wright was wearing that night? Do these look
7 like jeans that would ever fit this man over here? No.
8 They're too small for him. These are John Adams's jeans.
9 These are the jeans that he was wearing, John Adams was
10 wearing when he killed Miss Vick.

11 You know, and then you've got - you've got this
12 business about, well, we proved that they're his jeans because
13 they've got paint on them. Well, we don't know who's - first
14 off, that expert who came in here and - the expert who said,
15 well, it might be paint; it might not be paint. First off, we
16 don't even know if it is paint, okay? And we don't know that
17 it was paint that this man was using, okay?

12.-23P 18 Now I want to remind you that - that this DNA
19 evidence was done - that we didn't get the reports until
20 November from SWIFS, and December, after this trial started
21 from Gene Screen, okay? Why is that? It's because the State
22 hadn't even - they hadn't even investigated this case. We
23 got this train rolling. The State got this train rolling, and
24 they don't even know where it's going, but they got it rolling
25 and it's their job to get it somewhere, and that is to get

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1 this man convicted, and that's - that's just wrong, folks.

2 Do you remember Sgt. Howell, or Howell from the
3 sheriff's office? He told you that he looked at that
4 fingerprint from the pillowcase and he said it wasn't
5 comparable. He told you Jumper looked at it and said it
6 wasn't comparable.

12:24P 7 Do you remember Det. Watson telling you that
8 he - you know, he was the fingerprint guy. He was the guy
9 who found the fingerprint on the Dr. Pepper bottle. And what
10 did each one of the experts tell you that you have to do with
11 fingerprints? You have to have them confirmed, okay? It's
12 not enough just for you to say that it's a match. You have to
13 have somebody else say it's a match. Always have to have it
14 confirmed, okay?

15 Cron told you that he just guesses those people
16 aren't qualified. I guess that means that every person that's
17 been convicted in these courts, based on their testimony, I
18 guess we need to just let all of them go, because none of
19 those guys are qualified. Only Cron's the person that's
20 qualified to do fingerprints, okay?

21 Now he told you he was a consultant, all right?
22 He told you he's retired, and then he told you that he wasn't
23 being paid for this. Well, you know what? That's exactly
24 what his testimony was worth. Nothing. Absolutely nothing.

25 Now, what does he tell you? That people have

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1 150 to 175 comparable points, okay? We know from — from some
2 people, some of the testimony was, is that, well, you know,
3 I'll go with eight.

4 We know the FBI requires twelve, okay?

5 Cron says, I don't have a minimum. I can go
6 with one. I bet he can. I bet he would. Not that it would
7 be right, but he would be willing to do that.

12:25P 8 You know, the State has all these great
9 exhibits. Look at all this stuff they put together. The most
10 important piece of their evidence is these fingerprints that
11 supposedly show this man's fingerprint there at the location
12 on that pillow, okay? What's the one wonderful piece of
13 exhibit that they don't bring you? This incredibly important
14 fingerprint.

15 What does Cron tell you? Well, I can't
16 really — I can't show it to the jury. I can't do it. You
17 know, people do that all the time. They put the fingerprints
18 up there and slide them together so that you can see their
19 match. Would they do it here? No. In fact, he refused to do
20 it. He refused to show it to any other experts. He knew that
21 all the other experts said it's not comparable. It just can't
22 be done. That's what all the testimony is, okay?

23 THE COURT: Mr. Johnson, you have about five
24 more minutes.

25 MR. JOHNSON: Thank you, Your Honor.

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1 He also, you know, told you that he couldn't
2 even show it to our expert, okay? He tried to draw it out to
3 him and he couldn't show it to our expert.

4 You know, the State could have called our expert
5 up here if our expert could have identified it. They didn't
6 do that. They have just as much right to bring him up there
7 to testify. Guess what? Why didn't they do it? Because it's
8 not our client's fingerprint.

12:26P 9 Now, you remember Bevel also told us he was a
10 fingerprint expert. Remember the blood splatter guy? All
11 right. Why didn't the State have him look at it and confirm
12 it. He could have done it.

13 Now, let's go back - let's go back to Pothen.
14 Remember he told us that there was no evidence that anybody
15 else lived in that shack? Well, folks, he's also the person
16 that was responsible, you know, for Mr. Mosley's statement.

17 Look at the exhibits that - that the defense
18 admitted. What they are, are the parole papers from Mr. Adams
19 that we found in that shack. They're all of his parole
20 papers. There are 39 envelopes that are addressed to
21 John Adams, along with all of his, you know, parole papers
22 that show - that show he was in the gang, that show that he
23 was a threat to the order and security of the - of the penal
24 institution.

25 And also in there is something of Mr. Adams -

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from John Wade Adams, some of his paperwork, and inside here, and this is the way it was given to us, okay? This is the way it was given to us finally on Friday, put together like this.

You know, Pothen tried to tell you that there wasn't any connection of anybody else but Mr. Wright to that - that shack. Well, folks, I've got down there 27, he - I'd say he lied to you. I mean, that's harsh. Maybe I shouldn't say that, because we should never say that police officers lie, because juries don't like that. I should have just told you that he tried to mislead you. I don't know what I should tell you, but I just want you to go back there and read Mr. Adams's warning to all citizens issued by this person. It leaves a blank for him to put the date he's going to get out, and his name.

I want - I'll be back in your midst dehumanized, demoralized, and better. He says he's going to be paranoid. He says he's going to be - he's - you know, don't be surprised if he puts knives in odd and easy to reach places in his house, okay? That he's just a walking time bomb, shell of a man, and that if you have any reason, you'd better do one of four things: Leave town, join the Army and transfer overseas, try desperately to repair the relationship by offering him money and lots of good blow jobs, or start doing strengthening exercises so once you see him, you can bend over and kiss your sweet ass good-bye, okay? That's from
DONNA HILL-WYNKOOP, RMR, CRR, RPR, CSR 214-653-5923

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this man. The killer.

See, all you've got to do, folks, to convict my client, is just to disregard all of these inconsistent statements. Just completely disregard them. Act like, well, okay. Just pick and choose the evidence the State -- just the evidence the State wants you to look at, okay? Forget everything else that doesn't make sense, okay? And what you have to do is you have to believe beyond a reasonable doubt that -- you have to believe Adams, you have to believe Mosley, and you have to believe Cron beyond a reasonable doubt.

What you have to believe is, is that Gregory Wright, who had just found something that was really good in his life, Miss Vick, a gravy train, you know, a golden goose, whatever you want to call her, was giving him work, giving him food, trying to help him out, that he decides to kill her, and -- and not only that, he decides to go get him a witness. And then he borrows that person's knife to kill her, okay?

That's -- that's what the -- it makes no sense, folks. And then he just sticks around. Then he just sticks around. He doesn't run off. He doesn't go anywhere, you know. Isn't it more reasonable to believe John Adams's story, -- okay? -- that -- that actually what happened is that Miss Vick picked him up? Mr. Wright wasn't with him at all. She took him home. She was going to fix him some lunch.

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1 Maybe she puts her nightgown on. Maybe she has some other
2 plans, too. Maybe she starts getting kind of - her religious
3 fanatic starts coming out once she sees all these tattoos once
4 he takes his shirt off and she sees him, and she starts
5 talking, you know, to him about being from the devil, and then
6 he freaks out and he kills her, and then he takes her stuff
7 and he goes off. I mean, it could have happened that way.

12:31P 8 THE COURT: Mr. Johnson, you're about out of
9 time.

10 MR. JOHNSON: Thank you, Your Honor.

11 You see, the thing is, we just don't know, okay?
12 And you cannot convict somebody for an offense like this
13 unless the State proves the case to you beyond a hundred
14 percent of all reasonable doubt, and there's just too many
15 things that the State has left out. There's too many
16 ineonsistencies.

17 They just haven't done their job, and when you
18 come back with your verdict of not guilty in this case, you're
19 not - you're not necessarily saying that you - that you're
20 finding this man innocent, you're just saying that the
21 evidence is not there to convict him beyond a reasonable
22 doubt. You're just telling this State something that they
23 already know: That they haven't done their job.

24 What you need to tell the State is, is that they
25 need to get on to the job that they need to be doing, and that

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1 is, trying this man, and convicting him of the murder of Donna
2 Duncan Vick.

12:33P 3 You know what? Gregory Wright was - strike
that,

5 John Adams, what he has tried to do, folks, is
6 he has tried to take Gregory Wright and stick his face in that
7 pie - okay? - and get the State to put him in the sack and
8 send him down the river, okay?

9 You've given us an oath. You told the State,
10 - you told the State that you would do your job. You've told
11 the Judge you'd do the job; that if the State didn't prove
12 this case beyond a reasonable doubt, that you people have the
13 fortitude to stand up to your convictions, and you've told the
14 people at this table that you'd do that as well, and, folks,
15 the State has not proven their case. They certainly haven't
16 proven that this - even if they've proven that he killed this
17 lady, they never proved that he killed her for taking her
18 property.

19 They haven't proven anything, folks, and your
20 job at this point is to go back there and consider all of this
21 evidence. Look at all these things that I've pointed out to
22 you, think about it, and - and come to the conclusion that -
23 that you have to come to, and that is, is that there's
24 reasonable doubt here.

25 Come back with a verdict of not guilty.

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2:34P 1 THE COURT: Mr. Davis, you have about 37
2 minutes

3 MR. DAVIS: Okay. May it please the Court.

4 Ladies and gentlemen, first of all, I want to
5 join with Mr. Johnson and with Mr. Jordan and thank you. I'm
6 not going to thank you for coming down here. You know you
7 didn't have a choice about that.

8 As we went through jury selection, you know, you
9 didn't get to vote on that, but I do want to thank you for
10 paying very close attention to the facts of this case, because
11 it's the facts that matter. You know, not sheets of paper
12 with really wishful thinking. It's what came from that
13 witness stand, from the witnesses that we produced, and from
14 the evidence that we produced in this case.

15 Now that's what we're going to ask you to base a
16 verdict on in this case. Not what I say, or what Mr. Jordan
17 says, but what the cold, hard facts in this case show you.
18 And that's one thing. This individual right over here,
19 Gregory Edward Wright, you look at him hard, because you're
20 never going to see, I don't think, a colder blooded killer
21 than Gregory Edward Wright.

22 MR. BRAUCHLE: Your Honor, we're going to object
23 to this as being improper at this time.

24 THE COURT: Overruled.

25 MR. BRAUCHLE: Note our exception.

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1 MR. DAVIS: You know, I'm going to agree with
2 Mr. Johnson. John Wade Adams has got to be one of the
3 sorriest examples of humanity that you could ever drag into a
4 courthouse. But you've got to wonder what kind of individual
5 would associate himself with this kind of scum. What's the
6 old phrase? Birds of a feather flock together.

12:36P 7 Look at him again. This is the kind of
8 individual right over here who would choose a man like
9 John Wade Adams to run with, to hang out with, to drink with,
10 to go down there to Miss Vick's home, to commit murder with,
11 and to rob with. That's the kind of man this man right over
12 here is.

13 Now I listened to Mr. Johnson for his 45
14 minutes, and I hope it didn't come as some great surprise to
15 all of you that during that 45 minutes he's told you he's
16 dissatisfied with the facts that we brought to you. He's
17 dissatisfied with the witnesses and what they told you. He's
18 dissatisfied with the exhibits that we brought you. He's
19 dissatisfied with basically everything that the State brought
20 to you during this case. I hope that doesn't come as a
21 surprise.

22 I mean, after all, you knew coming in this was
23 going to be a contest. There are two different sides here.
24 That's why we have a trial, and that's why we have jurors come
25 down here: To make decisions.

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1 Let me make this very clear to you. If there's
2 a one of you on this jury, even one of you, who believes
3 that the State of Texas, anyone at this table right over
4 here, myself included, that any of us conspired with
5 Llewelyn Mosley, if one of you believe that Lt. Paul Pothan
6 of the DeSoto Police Department came down here and lied to
7 you, if there's a one of you that believes that James Cron
8 prostituted himself down here during the course of this trial
9 and lied to you about that fingerprint, I don't even want you
10 to go back and even look at the facts of guilt/innocence. I
11 want you to just simply go back there as a group in unison and
12 say not guilty. That's the end of it. I don't care what the
13 facts are, because it wasn't done right.

12:38P 14 Now that's my challenge to you right now. But
15 I'm going to tell you, that's not what happened in this case.
16 What you got is what we had.

17 You know, on the one hand Mr. Johnson stands
18 over and he says, I wonder why they didn't bring you
19 fingerprints. I wonder why they didn't do this. On the other
20 hand, I'm out there, or Mr. Jordan's out there creating
21 testimony. We're fashioning things that never existed.
22 Folks, if fingerprints don't exist, I can't bring them to you.
23 That's the long and short of it. What you saw is what there
24 was.

25 And as we talked about in voir dire, this is a

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circumstantial evidence case, you see, because that eyewitness that was killed out there, Donna Vick, unfortunately, we can't bring her back from the grave, can we? So we've got to rely upon circumstantial evidence, and there's one thing about circumstantial evidence, make no mistake about it. You see, you can't wash it away. State's Exhibit 33 is the testimony to that. You can't wash it away. And no matter how you may want to, you see, you can't wish it away, because once it's there, it's always there, and it's always the same.

So as we go through here, let's look at some of the circumstantial evidence. Let's look at the evidence that the State of Texas brought to you in this case.

First of all, let me discuss one thing. March 23rd, 1997. Mr. Johnson made a big issue of that. Folks, there's no issue about that. Look on page five of the Court's Charge. It will tell you that as long as that date preceded the date that this grand - that the True Bill of Indictment was presented in this case, that it's okay. That's why we say "on or about", you see. That's why we don't say on this specific date. We say "on or about March 23rd." That certainly preceded April 3rd, so that is no barrier or impediment in this case, believe me, absolutely none.

Now let's look at what we had to prove. We had to prove to you that this woman was intentionally murdered. I don't think there can be any question, can there? I mean,
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1 when you had to look at the wounds inflicted upon this poor
2 woman, seven deep penetrating stab wounds, one deep
3 penetrating cut, one five inches deep, another one in the
4 subclavian artery, there really should be no doubt whatsoever
5 that the individual who killed this woman had one thing in
6 mind, and one thing only: This woman's going to die, and I'm
7 going to make sure of it and I'm going to do everything I can
8 possibly do to accomplish that goal, and he did. And he did.

12:41P 9 We've got to prove to you that this individual
10 right over here, Gregory Edward Wright, is the individual who
11 committed this murder.

12 What do we know? What do we know from Granada,
13 first? We know that this man's bloody fingerprint is on a
14 pillowcase that's right next to the head of the deceased. Not
15 only just his fingerprint, but that that finger was covered in
16 blood, covered in blood at the time that it touched that
17 finger; that it touched that pillowcase.

18 We know, also, that there's a partial palm print
19 on the other pillowcase, don't we?

20 I'm going to submit to you that it got there,
21 and it's a reasonable deduction from the evidence, it got
22 there as this individual got down on that bed and literally
23 straddled that woman, placed his left hand down here on that
24 pillow to gain balance as he repeatedly stabbed, and stabbed,
25 and stabbed again. That's exactly how he placed his

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fingerprint on that pillow that evening.

12:42P 2 We know, too, inside that kitchen, what do we
3 have? We've got that note. It just so happens, I guess it's
4 a coincidence here, also written in black ink, "Do you want to
5 do it?" Where is it found? It's found in that trash can
6 right next to what? To the island where, what's laying on
7 there? The Dr. Pepper bottle again with this man's
8 fingerprint. Not John Adams' fingerprint, but this man's
9 fingerprint.

10 You know, the story is told there in
11 1205 Granada. That's not the end of the story, though, is it?
12 Because we know inside the victim's car, whose blood is found,
13 not in one spot, but in two: This person right over here.
14 Found on the glove box, but also found on that steering wheel.
15 Found on the steering wheel, because he was in control of that
16 car following this brutal murder.

12:43P 17 How did it get there? Well, it's a reasonable
18 deduction, all you have to do is look at those massive
19 defensive wounds from this - this woman on both arms, on the
20 outside of the forearms. I mean, this woman struggled with
21 all of her might to try to save her life. Struggled with this
22 individual as she laid on that bed and watched him. That
23 person that she had helped, that person that she had given to,
24 as she looked into his eyes and tried to fend him off, I'll
25 submit to you, this individual was injured. You can see in

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the photographs, you can see a cut to his back.

It's not a scar. You can clearly see here a difference. You can see the darkened area that I would agree perhaps is a scar, but you'll also see a diagonal that's a different color. Far different, brighter red, and I'll submit to you that that was caused by Donna Duncan Vick as this individual straddled her.

But I'm also going to say to you it's a reasonable deduction from the amount of struggling, that this man may very well have been struck in the mouth, and in the inner portion of that mouth, and bled from that, and as a result, when he got in that car, -

MR. BRAUCHLE: We would object to this as being outside the evidence.

THE COURT: Overruled.

MR. DAVIS: As he got into that car to drive away, he placed that blood in two places: On the steering wheel, and on the glove box. The plate and the glass from her home were in that same car. The printer that came from her home, is in that very same car. Her purse, her personal belongings, and her paper were in the very same car where whose blood is found? This person right over here.

That doesn't end the story either, though, does it? Because now we go to Llewelyn Mosley's house, and who do we know is driving that car, who's in control of that vehicle?

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This man right over here immediately following that murder.

Who's in control of that property? John Wade Adams and who? Gregory Edward Wright. And who's trading it for crack cocaine? Who's making the deals out there? John Wade Adams, certainly. But this person, also, Gregory Edward Wright. And who's out there high-fiving as though they scored a touch down, literally. I mean, they're in the end zone, aren't they. I mean, they completed that long pass. The defense has been wiped out here. They've gotten exactly what they wanted. They sold it. They got that thing.

Boy, I'll tell you what. Crack's got to be powerful, doesn't it? I mean, that stuff's got to be strong. You can look into the eyes of someone of pure love and snuff out their life, all for a couple of rocks of crack cocaine, it's got to be strong. That's exactly what he was doing up there that day.

That doesn't end the story either, though, because now we know in that shack where only *one* person was found, - this man right over here: Gregory Edward Wright. He's alone, folks. Okay? In that shack. He's in control of that shack.

And we know that a mere 20 to 30 feet away from where he's arrested by the DeSoto Police Department, we know that Miss Vick's butcher block, where some of her knives were
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1 found, and we know, too, that State's Exhibit Number 40, which
2 you'll find here in that butcher block, that serrated-edged
3 knife that was used to inflict the wounds up here on the left
4 shoulder, we know that that knife also was found right outside
5 the shack where Gregory Edward Wright is found, and we know
6 who's blood was on there again. It's Donna Duncan Vick. And
7 it got on there when this individual right over here plunged
8 it through her chest and her throat repeatedly there in her
9 home on her bed.

12:47P 10 And we also know one other thing: We know that
11 on State's Exhibit 33, we know there are two things on here.
12 We know there's gold paint, and we know there's blood, and a
13 lot of blood, too. Now, Mr. Johnson says, oh, we don't really
14 know that that's Gregory Wright's pants. I mean, look at the
15 sizing here. First of all, don't look - it don't look new to
16 me, he says.

17 I'll tell you what, compared to that other trash
18 that was in that trunk, this - this has got to look like it
19 came from Neiman's, you know, in that darkened bar that
20 evening.

21 Then he says, well, you know, we don't really
22 know. It could be John Adams'. Look at the sizes here, and
23 he holds up State's Exhibit Number 70, and he says, see, look?
24 They're the same. They're exactly the same, you know? My
25 goodness. Just look at them and you can tell.

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MR. BRAUCHLE: Your Honor, we're going to object to this as being a misstatement of the facts and the argument.

THE COURT: Ladies and gentlemen of the jury, you remember the facts as you heard them.

MR. DAVIS: Okay. As a matter of fact, State's Exhibit Number 70, -

MR. BRAUCHLE: Your Honor, is our objection sustained?

THE COURT: It's overruled.

MR. DAVIS: - State's Exhibit Number 70, I was mistaken. That is the pants that Gregory Edward Wright was arrested in. What's on State's Exhibit Number 70? Just a coincidence, I suppose. It's the gold paint. Same location, as a matter of fact, that you'd find here on State's Exhibit Number 33, you see, down there toward the bottom. Toward the bottom, you know.

And you can - you can see here, folks, you can see the paint, you can see the cans of paint that are found where? Right where this man is residing. With that bag of what? Gold paint. Remember Donald Cole said who had he seen paint on before? It's this person, not John Adams.

And then you look at the pants of John Adams over here, the pants that he's arrested in. There is no gold paint on him, is there? On the pants where we know John Adams' blood is found, there's no gold paint on those

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pants.

12.-49P 2 These pants right over here belong to one
3 person. They were worn by one person: This individual right
4 over here, Gregory Edward Wright, and just like Tom Bevel told
5 you, these stains right up here in the crotch area, I mean,
6 they're the give away, aren't they?

7 I mean, if you ever had a doubt about any of
8 these stains, these right up here just tell it all. How else
9 do you get a stain like this in a crotch except the way that
10 Tom Bevel told you.

11 Again, you get down on your knees, you straddle
12 that victim. If you do that, I'll guarantee you, that crotch
13 will be exposed to that blood as it comes up off that victim,
14 exactly the way he did it that morning. That's how that
15 victim's blood got on there, and that's exactly why the next
16 week he called Sylvia Parsons, his friend from Lancaster. And
17 he said, I want you to do a favor for me. I've got one
18 request for you. I want you to go to that shack behind the
19 K-Mart and get my clothes out of there.

20 You see, he didn't know, he didn't know his
21 clothes had already been taken by the DeSoto Police
22 Department, you see. That was done after he was gone.

12:51P 23 MR. BRAUCHLE: Your Honor, we would object to
24 this as being outside the record. It's outside the evidence.

25 THE COURT: Overruled.

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1 MR. BRAUCHLE: Note our exception.

2 MR. DAVIS: He's up in jail. You ask
3 yourselves, why in the world would Gregory Wright call Sylvia
4 Parsons to get his clothes out of there? He sure doesn't need
5 them in the county jail, does he? Why is that his main
6 concern? Why is that the one thing that he asks Sylvia
7 Parsons to do? Because this man is not stupid, make no
8 mistake about it. This is a calculating person. This is a
9 thinking person.

10 And he had time to realize one thing: He had
11 time to realize that those pants just might be found, and the
12 State of Texas might just do their job the way we're supposed
13 to do. We might just take them out to a serologist. We might
14 just take them to a DNA expert. I might just get a blood
15 spatter from Oklahoma City to come down here and tell you the
16 truth, and that truth would tell you one thing: That this
17 person right over here, -

12:52P 18 MR. BRAUCHLE: Your Honor, we would object to
19 this as being improper.

20 THE COURT: Overruled.

21 MR. DAVIS: - would tell you this: Here it
22 is, right here. As clear as any fingerprint, as clear as
23 anything you might want in this case, it tells you how it was
24 done, and it tells you who did it. This individual right over
25 here.

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Now, frankly, I'm not going to waste my time dealing with a lot of these red herrings. I'm not going fishing today. I'm not going to go down the rabbit trails. You folks have heard the testimony in this case. You know what the truth of the matter is.

Let me assure you of this one thing: This individual will have his day in court. He will have a day of reckon.

MR. BRAUCHLE: Your Honor, we will object to this as being improper.

THE COURT: All right. Overruled.

MR. DAVIS: Mr. Johnson said, why don't you go for him. I guarantee you, his day is coming. Let's don't lose sight of this, though: This day belongs to Gregory Edward Wright, thanks to what he did and his handiwork.

Oh, he's a working man, all right. You know, if you looked at his resume and his handiwork, all you need to do is look at the autopsy. That's his handiwork. His resume says: Killer. Guilty. Capital murder.

And I'm going to ask you on behalf of the State of Texas, not because I ask you to do this, but because the facts clearly state that this is the right and just verdict: To go back in there, find this man guilty of capital murder. That will be your first choice. Capital murder. You don't
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1 even get to murder or to anything other than capital murder
2 unless you don't believe he's guilty of capital murder.

12:54P

3 Find this individual guilty of capital murder.
4 Rely upon your common sense, rely upon your recall of the
5 facts. If you do that, your decision will be very clear.
6 Thank you.

7 THE COURT: Ladies and gentlemen, if you'll go
8 with Miss Biggerstaff.

9 (Jury retired to deliberate its verdict at
10 1:01 p.m.)

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

12 (Jury not present.)

13 THE COURT: Let the record reflect we're outside
14 the presence of the jury; that the jury has just been retired
15 to deliberate.

16 Mr. Wright, I just want to confirm that now that
17 we've concluded this portion of the trial and argument, that
18 you're satisfied with the way the case has proceeded and the
19 way that your attorneys have handled your case at this point?

20 THE DEFENDANT: I am.

21 THE COURT: All right.

22 (Court recessed.)

2:15P

23 (Court reconvened; juror not present.)

24 THE COURT: Let the record reflect we're outside
25 the presence of the jury.

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The Court has received two notes from the jury, one requesting the jeans and pants, all pictures, the Bible with knife, and the knife set - Chicago.

The other one - the other note asks for the DNA testimony of VanWinkle, Mosley's statement and testimony, defense's final exhibits, and Dr. Ross's testimony.

It's my understanding that we have an agreement between the State and the defense that we will go ahead and send back to the jury the jeans and the pants, the pictures, the Bible with the knife, the knife set Chicago, and Defense Exhibits 5, 6, 7, 8 and 9; is that agreeable, Mr. Davis?

MR. DAVIS: Yes, Your Honor.

THE COURT: Mr. Johnson?

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

THE COURT: All right. And then the Court will prepare a written answer in regards to the testimony.

Is it agreeable from both sides that I just send those exhibits back with the bailiff?

MR. DAVIS: It's agreeable with the State.

MR. JOHNSON: That's agreeable with us, Your Honor.

THE COURT: All right. Mr. Wright, you understand what's going on here and you approve of everything your attorneys are doing; is that correct?

THE DEFENDANT: That's correct, Your Honor.

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1 THE COURT: All right. Jan, if you'd go ahead
2 and start taking that stuff back, and, Donna, you can go ahead
3 and work on the note.

2.-23P 4 (Recess taken.)

5 (Court reconvened; jury not present.)

6 THE COURT: All right. Let the record reflect
7 again we're outside the presence of the jury.

8 In regards to the note that the Court previously
9 received requesting the DNA testimony from VanWinkle, Mosley's
10 testimony and statement, and Dr. Ross's testimony, the Court
11 is sending back in this answer: "You are instructed that you
12 are not entitled to any testimony of any witness unless you
13 are in specific disagreement regarding a singular point of
14 evidence. You may receive only the testimony in regards to
15 the point in which you are in specific disagreement." Signed
16 by me.

17 Is that acceptable to the State?

2:24P 18 MR. JORDAN: That's acceptable to the State.

19 MR. JOHNSON: We'll accept that, Your Honor.

20 THE COURT: All right. Mr. Wright, you
21 understand what's going on here, and you approve of your
22 attorneys' acceptance of my note.

23 THE DEFENDANT: Yes, I do, Your Honor.

24 THE COURT: All right. Off the record a second.

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

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1 THE COURT: It appears that Mr. Mosley's
2 statement is State's Exhibit 14, and I intend to send that
3 back in with this answer. Is that agreeable with the State?

4 MR. JORDAN: Yes, Your Honor.

5 THE COURT: Mr. Johnson?

6 MR. JOHNSON: No, we'll object to that,
7 Your Honor. We'll object to the statement going back in.
8 They didn't ask for it specifically. They asked for it along
9 with his testimony.

10 THE COURT: All right. So you wish to wait and
11 have the statement sent in with the testimony.

°:25P 12 MR. JOHNSON: That's correct.

13 THE COURT: Well, that's fine. We'll wait and
14 do it then.

3:30P 15 (Recess taken.)

16 (Court reconvened; jury not present.)

17 THE COURT: All right. Let the record reflect
18 we're outside the presents of the jury.

19 In regards to note number 3 which we received
20 from the jury requesting the DNA testimony, the court reporter
21 has printed that up. Both sides have had a chance to review
22 it.

23 Mr. Davis, is sending this in to the jury
24 acceptable to the State?

25 MR. DAVIS: Yes, Your Honor, it is.

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1 THE COURT: Mr. Johnson, is that acceptable with
2 the defense?

3 MR. JOHNSON: Yeah, that's acceptable to us.

4 THE COURT: All right. Furthermore, they have
5 sent out a note, which would be note number 4, where they ask
6 for the paper towel and the cardboard sign, so I intend to
7 send in those exhibits, along with this note.

8 Is that agreeable with the State?

9 MR. DAVIS: Yes, Your Honor.

10 THE COURT: Mr. Johnson?

11 MR. JOHNSON: No objection.

12 THE COURT: Mr. Wright, you understand that your
13 attorneys have agreed with the State of Texas to send in the
14 answer the court reporter typed up in regards to the DNA
15 testimony, as well as the paper towel and your cardboard sign.

16 You approve of your attorneys' actions; is that
17 correct?

18 THE DEFENDANT: That's correct, Your Honor.

3:31P 19 THE COURT: All right.

3:34P 20 (Court reconvened; jury not present.)

3:35P 21 THE COURT: All right. Let the record reflect
22 we're outside the presence of the jury.

23 I've just told the attorneys that the jurors
24 have asked for a break. Some of them are smokers and they
25 wish to go outside and smoke.

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I've indicated to the attorneys that with their agreement, I will let them separate for this period of time so that those who wish to smoke may, and those who do not smoke will not be forced to go with them.

A bailiff will be sent with the ones who are going outside, and they will be given instructions not to discuss the case.

Is that agreeable with the State of Texas?

MR. DAVIS: Yes, Your Honor.

THE COURT: Mr. Johnson, with the defense?

MR. JOHNSON: Yes, Your Honor.

THE COURT: Mr. Wright, you understand your attorneys' agreement, and you approve of that?

THE DEFENDANT: Yes, Your Honor.

MR. BRAUCHLE: Could we go off the record?

THE COURT: Sure.

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

(Jury present)

THE COURT: All right. You may be seated.

All right. Ladies and gentlemen, I believe the last request I received from you was not written, but oral, that you wished for a break, and, so, I will tell you now that - that I will give you the opportunity to take a break for about 10 or 15 minutes.

It's my understanding that some of you are

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1 smokers, and as you know, this is a nonsmoking building, so
2 you will have to go outside to smoke. Those of you who do
3 wish to go outside and smoke a cigarette, or cigar, or pipe,
4 or whatever, my bailiff, Jesse, will go with you.

5 The rest of you, if you need to get a drink, or
6 go to the restroom, that's fine. Please wait until
7 Miss Biggerstaff is back to go with you, and then we'll have
8 you return to the jury room.

9 I can't have you in the hallways, really. You
10 either need to be getting a drink, smoking, or in the jury
11 room.

12 Also, during this break, please do not discuss
13 the case at all. You are only to deliberate the case when all
14 twelve of you are present in the jury room.

3:37P 15 So I'm going to send you back to the jury room
16 now, and those of you who wish to go smoke, once you're
17 together, knock on the door. I'll have Jesse take you. Do
18 that, and the rest of you, as soon as Miss Biggerstaff, Jan,
19 returns, I'll have her take you wherever you wish to go. All
20 right.

21 (Recess taken.)

22 (Court reconvened; jury not present.)

4:01P 23 THE COURT: All right. Let the record reflect
24 we're outside the presence of the jury.

25 It's 4:07. The defense has requested that the

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1 jurors be sequestered and kept together during the course of
2 their deliberation. Because of the fact that I need to make
3 hotel reservations and plans for their family to bring them
4 clothing and hygiene articles, I have already spoken to the
5 defense and the State about having the bailiff explain this to
6 them, explain that they need to have a family member either
7 drop their articles off here at the courthouse prior to 5:00
8 o'clock, or at the hotel in which I intend to house them prior
9 to 7:00 o'clock, and that was done with the agreement of the
10 State; is that correct, Mr. Davis?

11 MR. DAVIS: That's correct, Your Honor.

12 THE COURT: And with the agreement of the
13 defense; is that correct, Mr. Johnson?

14 MR. JOHNSON: That is correct.

15 THE COURT: Mr. Wright, you understand what your
16 attorneys have done here, and you approve of their actions; is
17 that correct?

4:02P 18 THE DEFENDANT: I do, Your Honor.

19 THE COURT: All right. Off the record.

20 (Recess taken.)

4:13P 21 (Court reconvened; jury not present.)

4:14P 22 THE COURT: All right. You may be seated.

23 Ladies and gentlemen, I have received the
24 verdict sheet and the Charge of the Court back from the jury.

25 Miss Barnes, I'll read the verdict and ask you

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if this is correct.

"We, the jury, find the defendant,
Gregory Edward Wright, guilty of capital murder as charged in
the Indictment."

Is that your verdict?

THE FOREPERSON: Yes, sir, it is.

THE COURT: All right. If that is the verdict
of each and every juror, would each of you raise your right
hand at this time, please.

(Jurors complied)

THE COURT: All right. You may lower your hand.
Let the record reflect that each juror raised
their right hand.

Y'all may be seated.

Members of the jury, rather than proceed in any
further testimony today, we will break for the day. I'm going
to recess until tomorrow morning at 9:00 o'clock. Again, if
you would be back in the jury room at 15 minutes till 9:00,
and we will try to proceed into the next phase of the trial at
9:00 a.m.

Again, please don't read the paper, watch TV,
listen to the radio. Please follow the warnings that I've
given you previously. Thank you.

THE COURT: All right. Mr. Wright, go with Duey
and Jesse.

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1 (Court and jury recessed.)

2 (Continued in Volume 50.)

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