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IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
120TH JUDICIAL DISTRICT

THE STATE OF TEXAS )  
 )  
 )  
vs. ) Cause No. 43312-120  
 )  
 )  
 )  
HENRY LEE LUCAS )

PROPERTY OF ROD PONTON  
ATTORNEY AT LAW  
COPY 2

STATEMENT OF FACTS  
heard on  
SEPTEMBER 8, 1986

3-

A P P E A R A N C E S

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1 THE COURT: Ladies and gentlemen, we are  
2 going to call the case of the State of Texas versus  
3 Henry Lee Lucas, cause number 43314. Mr. Lucas has  
4 been charged with the felony offense of capital  
5 murder, four counts.

6 Now, then, the State is represented by Mr.  
7 Bill Moody, Mr. Richard Jewkes and Ms. Pennock. The  
8 defendants are represented by Ms. Sipes and Mr.  
9 Ponton.

10 Now, are the parties ready to proceed?

11 MR. MOODY: State of Texas is ready to  
12 proceed, Your Honor.

13 MS. SIPES: The defense is ready to proceed,  
14 Your Honor.

15 THE COURT: All right. At this time we are  
16 going to take up the motion filed by the defense in  
17 this case to suppress the evidence and this is the  
18 motion on the suppression on the confession. Is that  
19 correct?

20 MS. SIPES: Yes, Your Honor.

21 THE COURT: All right.

22 Is the State ready to proceed with that?

23 MR. MOODY: Yes, we are, Your Honor.

24 THE COURT: All right. Do you have any  
25 witnesses in the courtroom, Mr. Moody, at this time

1 that you would like to have sworn so that we may  
2 invoke the Rule if necessary?

3 MR. MOODY: Yes, we have Mr. Wes Statton and  
4 Detective Benito Perez present here today.

5 THE COURT: Would you gentlemen please raise  
6 your right hands?

7 MR. MOODY: And also Detective Curtis Flynn.

8 THE COURT: Anybody that is going to testify,  
9 please raise your right hands.

10 Thank you.

11 Do you wish to invoke the Rule, Ms. Sipes?

12 MS. SIPES: Yes, we do, Your Honor.

13 THE COURT: Gentlemen, the Rule has been  
14 invoked. This means that those of you who are not  
15 testifying must wait outside of the hearing of what  
16 is taking place in the courtroom. You are not to  
17 discuss this case among yourselves nor are you to  
18 discuss it with any other persons other than the  
19 attorneys involved. If anybody comes to you and  
20 wants to talk to you about this case while this  
21 hearing is in progress, you are to report that person  
22 to me immediately.

23 Who will be your first witness, Mr. Moody?

24 MR. MOODY: We will call Mr. Wes Statton.

25 Did the defense have some issue --



1 THE COURT: Mr. Statton, if you don't mind,  
2 would you please take the stand?

3 MR. MOODY: May we proceed, Your Honor?

4 THE COURT: Yes, sir.

5 MR. MOODY: Did you want us to speak from  
6 the podium or the chair?

7 THE COURT: Sir?

8 MR. MOODY: Did you want us to speak from the  
9 podium or the chair?

10 THE COURT: However you would like to.  
11 Let's do this, ladies and gentlemen: Let's just make  
12 it as easy as you want to. You can either use the  
13 podium or not use it or however. We will be kind of  
14 informal as far as that's concerned because I don't  
15 want to have a lot of formalities concerning this  
16 part of the trial.

17 Go ahead, sir.

18 WES STATTON,

19 having been previously duly sworn by the Court to  
20 tell the truth, the whole truth, and nothing but the  
21 truth, was examined and testified as follows:

22

23 DIRECT EXAMINATION

24 BY MR. MOODY:

25 Q. Would you state your name, sir?