

69.325

NO. 13,890-B

STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	119TH JUDICIAL DISTRICT
	§	
HENRY LEE LUCAS	§	TOM GREEN COUNTY, TEXAS

Before the Hon. John R. Carter, Judge Presiding

STATEMENT OF FACTS
VOLUME XXX OF XXXII VOLUMES

APPEARANCES:

EDWARD J. WALSH III, District Attorney, Williamson County, Georgetown, Texas

KEN ANDERSON, Assistant District Attorney, Williamson County, Georgetown, Texas

FOR THE STATE

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PARKER McCOLLOUGH, Attorney at Law, 1107 Main Street, Georgetown, Texas

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FOR THE DEFENDANT

MAR 25 1986

BE IT REMEMBERED that the above-captioned and styled cause came on for TRIAL on the 13th day of April, 1984, whereupon the following proceedings were had, to wit:

ORIGINAL

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2 APRIL 13, 1984

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20 <u>GARY CUTLER:</u>	
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P R O C E E D I N G S

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5 (Whereupon, the Defendant and
6 counsel being present in the
7 courtroom, the following
8 proceedings were had, outside
9 the presence of the jury:)

10
11 THE COURT: Is there anything to be
12 brought before the Court before we bring in the
13 jury?

14 MR. WALSH: Your Honor, what we intend
15 to offer on punishment this morning, I spoke
16 with Mr. Higginbotham, and maybe Mr. McCollough
17 also. We intend to introduce a written
18 confession given by the Defendant concerning a
19 robbery that occurred in Abilene, Texas. We
20 have a witness, one witness on that confession,
21 to prove it up.

22 We also intend to offer a written
23 statement concerning a murder that occurred in
24 Travis County, Texas, and we have an officer
25 from the Travis County Sheriff's Office who will

1 be the witness on that statement.

2 The other item that we wish to
3 introduce in evidence will be the balance of the
4 February, I think, 16th interview between the
5 Sheriff, Clayton Smith and Lucas, which is -- I
6 don't know what the number is, but it's the
7 statement the Court viewed here outside the
8 jury's presence.

9 Those are the three items that we
10 intend to prove up on punishment, and I suppose
11 we need to have a hearing outside the presence
12 of the jury on these written statements.

13 THE COURT: Mr. McCollough?

14 MR. MCCOLLOUGH: May I approach the
15 bench, Your Honor?

16 THE COURT: Yes, you may.

17 Are you ready to proceed, Mr. Walsh?

18 MR. WALSH: Yes, sir. The State would
19 call Roger Berry.

20 THE COURT: Have you been sworn?

21 THE WITNESS: No, sir.

22
23 (The oath was given to the
24 witness by the Court.)
25