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THE COURT: Bring in the jury.

(The jury was returned to the courtroom, and the following proceedings were had:)

THE COURT: Mr. Walsh, call your next witness.

MR. WALSH: The State rests, Your Honor.

THE COURT: Mr. Higginbotham, are you ready to proceed?

MR. HIGGINBOTHAM: Yes, Your Honor.

OPENING STATEMENT ON BEHALF OF THE DEFENSE

MR. HIGGINBOTHAM: Ladies and gentlemen of the jury, we have come down to now to the punishment stage of this case. And we will not put on a lot of evidence before you; we don't have a lot of evidence to put on in the form that you normally consider at the punishment stage, like family members, friends and that sort of thing. We will put on one witness, and then after we rest we will argue. And I believe the Judge will instruct you in

1 this closing phase that you can consider what  
2 you have heard before.

3 We will ask you to do just that, to  
4 consider this case in its totality and consider  
5 all the things that we've talked about and  
6 things that we will talk about. We will ask you  
7 one particular thing to do, and that is, we will  
8 ask you to truly reach down inside yourself and  
9 think very carefully about this literally life  
10 or death situation.

11 We will only have a short period of  
12 time in the future to talk to you, and it is a  
13 very important thing, as you all know. I'll  
14 have a few more comments for you later on, but  
15 we're getting right down to the end of the case.

16 I want to express a great deal of  
17 appreciation from all of us that have been on  
18 the Defense concerning your attention and  
19 concerning the way you conduct yourself,  
20 particularly the interest that you have paid.  
21 And that's exactly what we asked you to do;  
22 that's what you have continued to do.

23 We think that there definitely can be  
24 raised in your minds a real question as to  
25 whether Henry Lee Lucas should in fact be given