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2 reason, and following that release Officer Truman Simons
3 transferred to the McLennan County Sheriff's Office, and
4 the evidence has shown he embarked literally on a one-man
5 investigation from that point on. And in that regard we
6 feel the evidence is probative, relevant and material, and
7 would object to the exclusion of such evidence.

8 THE COURT: Well, I sustain the State's objection
9 to that evidence.

10 MR. HUNT: For purposes of the bill, let's put
11 John on.

12 THE COURT: All right.
13 Raise your right hand.

14 (Whereupon the witness was sworn.

15 JOHN CABANISS,

16 the witness hereinbefore named, being first duly cautioned and
17 sworn to testify the truth, the whole truth and nothing but the
18 truth, testified as follows, to-wit:

19 DIRECT EXAMINATION

20 By Mr. Hunt:

21 Q John, without shifting your eyes and licking your lips,
22 would you state your name for the record?

23 A John Cabaniss.

24 Q How are employed?

25 A Justic of the Peace, Precinct One, Place One, McLennan
County, Texas.

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Q John, I asked you to bring certain records with you today. Did you bring those?

A Yes, sir. I did.

Q And I asked you if you can tell me whether or not Mr. Deeb, Muneer Mohammad Deeb, was arrested in 1982?

A Yes, sir. He was.

Q And on what date approximately?

A Oh, approximately on the 13th day of September of 1982.

Q Okay. And was he subsequently released?

A Yes, sir. He was.

Q And on approximately what date?

A Approximately the 20th day of September 1982.

Q Okay. Do you have any idea who the arresting officer is by your records?

A I have an idea who the complainant was and whom I think was the arresting officer.

Q Would you tell me who that was?

A The complainant was Truman Simons. Probably Truman probably arrested him.

Q Is there any way you could tell that easily, John?

A Not really. Normally when an officer files it, he also carries it through.

Q Okay.

A I think I remember that he did.

Q All right.

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A But I'm not that positive.

MR. HUNT: All right. We'll pass the witness,
Your Honor.

MR. FEAZELL: No questions.

THE COURT: All right. And it's my understanding

MR. HUNT: He was later released. That is right?

THE WITNESS: Yes, sir. He was.

THE COURT: It's my understanding the defense
seeks to offer this evidence in front of the jury.

MR. HUNT: That's correct.

THE COURT: Well, I sustain the State's objection
to the materiality of it.

MR. FULLER: Note our exception.

THE COURT: All right. Any reason to keep this
witness around?

MR. HUNT: No, sir, Your Honor.

THE COURT: John, you're excused. Thank you.

(Whereupon the above referred to parties returned
(to their respective places in the courtroom
(where the trial continued in the presence and
(the hearing of the jury as follows, to-wit:

THE COURT: All right. Defense call your next
witness.

MR. HUNT: Your Honor, at this time the defense
would rest.

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THE COURT: Let me see ya'll just a minute.

(Whereupon Counsel for the State and Defense
(went into chambers with the Court and returned:
(shortly thereafter.

THE COURT: All right, ladies and gentlemen of
the jury, this concludes the evidence that is to be offered
in this case.

Now, it is incumbent upon the Court to prepare the Court's
charge, give the parties a chance to object and maybe make
certain changes to the Court's charge before that
submission to you. That will take us some time in order to
do that; probably the rest of the afternoon in order to do
that. So I'm going to recess you until in the morning at
nine o'clock.

I'll ask you again to keep in minds the instructions that I
have given you.

Now, I've noticed during the trial that many of you have
taken notes. As I told you earlier, those notes are
specifically for you and you alone. And in all likelihood
you will not be able to take your notes with you when you
go to the jury room. So you could keep that instruction in
mind also.

Now, I'm going to discharge you, and I'm going to discharge
you until nine o'clock in the morning, at which time I
anticipate and hope to have the Court's charge ready so we
can begin promptly at that time.

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Now, I also anticipate that you might should make
arrangements, if it becomes necessary once you have started
your deliberations to continue maybe late tomorrow
afternoon into the deliberations in this case. So you
might should make some arrangements in reference to that,
that it might be late.
You're excused until in the morning at nine o'clock.
If everyone will allow the jury to clear the courtroom.
All right. Everyone else is excused.

(Whereupon Court was in recess until July 3,
(1984, which proceedings were reported by.
(Official Court Reporter Morris Bowen: