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MR. FEAZELL: That's all, Judge.

MR. HUNT: We don't have any other questions,
Your Honor.

THE COURT: All right.

You may step down.

May this witness be excused?

MR. FEAZELL: No objection from the State.

MR. HUNT: We have no objections either, Your
Honor.

THE COURT: You may be excused, Mr. Thorp.
Thank you, sir.

MR. HUNT: Thank you, Gene.

THE COURT: Call your next witness.

MR. BUTLER: We'll call Brian Reynolds.

THE COURT: All right, Mr. Reynolds, you have
already been sworn, have you not?

THE WITNESS: Yes, sir.

THE COURT: If you will, just have a seat
there.

BRIAN REYNOLDS

called as a witness on behalf of the State of Texas, and
having been first sworn, testified as follows, to-wit:

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supervisor who ordered the search which resulted in the finding of Raylene Rice and Jill Montgomery.

Q Okay. Now, when that search was made, can you describe how that search was made? How do you physically -- or how did they physically go about locating those bodies?

A From the direction where Kenneth Franks was found, down toward the lake, down this dirt road.

Q Okay. Did the officers go walk through the brush, or did they just walk on the road? What did they do?

A They walked both on the road, and also through the brush.

Q Okay. Until they found the bodies?

A Yes.

Q Okay. Can you describe for me how they continued to search that crime scene for any kind of evidence? For instance, between the places where the bodies were found and the water's edge?

A They searched the area on foot, attempting to find any evidence available.

Q Okay. Were each of the officers assigned an area? Or how was it determined who would look where?

A I can't recall. I know that I was assigned to search an area down this dirt road.

Q Okay.

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A But as far as other assignments, I don't know.

O Would those assignments have been made by Truman Simons or Ramon Salinas?

A I would say Ramon Salinas.

O Okay. Do you know if there was looking down along the water's edge, for instance, for signs of a boat having landed there?

A Not that I know of.

Q Okay. Primarily, the searching was done along the road?

A Yes. As far as I was concerned.

Q Okay. Why don't you go ahead and have your seat and let me think of the next question. Your report says that "It appears that the victims were slain at another location and brought into the wooded area and left." I assume that you put that, because there was not a tremendous amount of blood underneath the bodies, is that correct? Or do you know why you said that?

A Well, when the bodies were first viewed by me, I noticed that there was hardly any blood at all on the grass in the area, in the immediate area where the bodies were lying.

Q Okay. Which indicated to you that the bodies had not been slain there, but had been slain somewhere else?

A Well, at that time, it was merely speculation.

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2 Q Okay. To the best of your knowledge, was there any way
3 to tell how the bodies were transported to where they
4 were? For instance, were there any footprints visible?

5 A No.

6 Q Would it have been possible to determine, if there had
7 been human, for instance, footprints there in the dirt?

8 A In the dirt, yes; in the grass, no.

9 Q Okay. Can you describe the road? Was the road totally
10 dry? Was it slightly muddy? What is the best of your
11 recollection? Again, I am asking you two years after the
12 fact.

13 A It was very dry.

14 Q Okay. Do you remember when the last time it had rained
15 in the area?

16 A No.

17 Q You just don't remember?

18 A Don't remember.

19 Q Okay. I think you have already answered this, but I'm
20 not sure. Do you know how far it was from Jill
21 Montgomery's body, as the shortest distance, to get to
22 water's edge?

23 A No, I don't. Not precisely.

24 Q Okay. Again, the person in charge of the crime scene,
25 apparently, Ramon Salinas, might know that?

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A Possibly.

Q Okay. Seems to me that the next day Dennis Kidwell went out there. Do you know if that's correct?

A I don't know.

Q Can you tell me what Sergeant Kidwell's functions were, relative to the scene? I think you said -- and if I'm not mistaken -- I think you said he arrived sometime later.

A I don't know precisely what his function was at the scene.

Q Okay. He just arrived sometime later with other officers?

A Yes.

Q Okay. Can you tell me what, at that time, Sergeant Kidwell's job title was, what his duties were?

A I can't say precisely.

Q Okay. Since that time, Truman Simons has left Waco P.D. and is now in the Sheriff's Department, is that correct?

A Yes.

Q Okay.

MR. HUNT: I believe we'll pass the witness,
Your Honor.

THE COURT: Any other questions?

MR. BUTLER: Yes, Judge.

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REDIRECT EXAMINATION

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3 BY MR. BUTLER:

4 Q Officer Reynolds, I believe you told us earlier that it
5 was some, in your estimation, 600 feet from where the
6 bodies of Raylene Rice and Jill Montgomery were to the
7 water's edge, is that correct?

8 A I would say at least 600 feet.

9 Q All right. Which direction were you talking about, when
10 you said that? And if you would, let's put the -- let's
11 put the aerial photograph back up here. All right, if
12 you would, which direction -- would you come over here
13 with the pointer and show us which direction you were
14 talking about?

15 A Let me make sure I understand the question. The direc-
16 tion from what to the lake?

17 Q Officer, if you would, would you place that thumbtack
18 approximately where on this map you think the bodies
19 were located. All right. Now, from the location of
20 those bodies, to the closest water of the lake, how far
21 do you think it was? Just the best guess you can give
22 us.

23 A A thousand feet.

24 Q And I believe you stated -- directing your attention to
25 the road area that you drew -- did you have occasion to

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continue on down the road past where Jill and Raylene's bodies were found, down toward the lake in that direction? Did you have occasion to go down that way?

A Yes, I did. I do recall going down that road on one occasion.

Q All right. And how far down that road did you go? Do you know?

A I can't recall.

Q All right. Did you go very far?

A Not very far at all.

Q At any point, did you get in close proximity to the lake?

A No. I did not.

Q And what was the terrain near where the bodies were found? Was that open, or was that wooded?

A This was a very wooded area.

Q All right. And wooded all of the way down to the edge of the water?

A Yes.

Q Now, if you would, resume your seat, please. Mr. Hunt asked you if you were able to see footprints in the dirt or in the grass. And I believe you said you could see them in the dirt, but not in the grass?

A No. I did not see any footprints in the dirt.

Q All right. But you can see footprints in the dirt, if

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the dirt is soft enough, can't you?

A Yes.

O Now, the area around where the bodies were found, is that dirt or grass?

A That's grass.

O All right. And is it solid grass from the edge of the road all of the way to where the bodies were?

A Yes.

Q So, it wouldn't be possible to see footprints in that grass, would it?

A No.

Q How about on past the bodies, on toward the lake, is that grass all through that area?

A Yes, it is.

MR. BUTLER: Pass the witness, Judge.

REXCROSS EXAMINATION

BY MR. HUNT:

O I promise I have very few questions left, okay. Can you tell me -- first of all, can you give me a rough outline of the area that was searched, if you know what area was searched on that "Def No. 1"?

A This area was searched.

O Okay. Basically, a circle that would touch the ends of the roads that you put in, is that fair?

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A Yes. I believe that is fairly accurate.

Q Okay. The second question, were the positions of the bodies marked, in any way, while you were there? For instance, with sticks?

A Yes.

Q And can you describe the stakes for the jury?

A The sticks were placed -- at least two sticks for each victim -- were placed at the head of the victim, and also at the feet.

Q Okay. Were the sticks anything special, or were they pieces of scrap wood that were there, or what were the stakes?

A I can't recall.

Q Okay. My last area is, if you continue going down almost on a line from the two bodies, I believe that there are two large trees down there near the shore. Are you familiar with those trees?

A No, I'm not.

Q Okay.

MR. HUNT: I'll pass the witness, Your Honor.

MR. BUTLER: Judge, we have no further questions.

THE COURT: You may step down, Officer. Thank you, sir.

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2 Do ya'll want this witness to stand by, or are
3 ya'll going to agree that he can be excused?

4 MR. FEAZELL: We're through.

5 MR. HUNT: We will release him too; Your Honor.

6 THE COURT: You may go, Mr. Reynolds. Thank
7 you.

8 MR. HUNT: Thank you a lot.

9 MR. BUTLER: Sergeant Robert Fortune.

10 THE COURT: Just have a seat, Sergeant Horton.
11 You have already been sworn.

12 THE WITNESS: Yes, sir.

13 ROBERT FORTUNE

14 called as a witness on behalf of the State of Texas, and
15 having been previously sworn, testified as follows, to-wit:

16 DIRECT EXAMINATION

17 BY MR. BUTLER:

18 Q State your name, please.

19 A Robert Fortune.

20 Q And how are you employed, sir?

21 A With the Waco Police Department, as a sergeant.

22 Q How long have you been so employed?

23 A About 16 years.

24 Q All right. Were you so employed on or about the 14th
25 day of July of 1982?